

# **EXHIBIT E**

**Shin vs. YSE**

***Shin vs YSE***

***3/15/2019***

**Condensed Transcript**

**Prepared by:**

Robert Cirillo  
Robert Cirillo, Inc.

Tuesday, March 26, 2019

Deposition of Joshua So

<p style="text-align: right;">Page 1</p> <p>1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</p> <p>2 -----x</p> <p>3 EDWARD SHIN,</p> <p>4                   Plaintiff,</p> <p>5       Index No: 1:17-cv-05183 (LG) (SMG)</p> <p>6       -against-</p> <p>7 YSE ENTERPRISES, INC., MICHAEL S. WANG, VICTORIA WANG as TRUSTEE OF THE RICHARDSON 8 IRREVOCABLE TRUST, TERRANCE WU, DEH-JUNG DEBORAH WANG, and YOUNG K. LEE,</p> <p>9                   Defendants.</p> <p>10 -----x</p> <p>11       March 15 2019 11:19 A.M.</p> <p>12                   199 Water Street 13       New York, New York</p> <p>14</p> <p>15 EXAMINATION BEFORE TRIAL of the 16 Defendant YSE ENTERPRISES, by JOSHUA SO, 17 taken by Plaintiff and Defendants, 18 pursuant to Order, before Christine 19 Cutrone, a Notary Public for and within 20 the State of New York.</p> <p>21                   ROBERT CIRILLO, INC. 22       CERTIFIED SHORTHAND REPORTERS 135 EAST CEDAR STREET 23       LIVINGSTON, NEW JERSEY 07039 973-740-1331 24       cirillo.robert@gmail.com</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1</p> <p>2       IT IS HEREBY STIPULATED AND AGREED by</p> <p>3 and between the attorneys for the</p> <p>4 respective parties herein, that filing and</p> <p>5 sealing be and the same are hereby waived.</p> <p>6       IT IS FURTHER STIPULATED AND AGREED</p> <p>7 that all objections, except as to the form</p> <p>8 of the question, shall be reserved to the</p> <p>9 time of the trial.</p> <p>10       IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the within deposition may be sworn to</p> <p>12 and signed before any officer authorized</p> <p>13 to administer an oath, with the same force</p> <p>14 and effect as if signed and sworn to</p> <p>15 before the Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S :</p> <p>2</p> <p>3 THE BASIL LAW GROUP, P.C. Attorneys for Plaintiff</p> <p>4       1270 Broadway Suite 305 New York, New York 10001</p> <p>5 BY: DAVID COHEN, ESQ.</p> <p>6</p> <p>7 THE CHARTWELL LAW OFFICES, LLP Attorneys for Defendant</p> <p>8 MICHAEL S. WANG, VICTORIA WANG as TRUSTEE OF THE RICHARDSON IRREVOCABLE TRUST, 9 DEH-JUNG DEBORAH WANG AND TERRENCE WU 81 Main Street 10       Suite 100 White Plains, New York 10601</p> <p>11 BY: CARMEN NICOLAOU, ESQ.</p> <p>12</p> <p>13 AHMUTY, DEMERS &amp; MCMANUS, ESQ. Attorneys for Defendants</p> <p>14       200 I.U. Willets Road Albertson, New York 11507</p> <p>15 BY: JANICE BERKOWITZ, ESQ. OUR FILE: ORNA 167417FAC</p> <p>16</p> <p>17 LONGO &amp; D'APICE, ESQS. Attorneys for Defendant</p> <p>18 YOUNG K. LEE 26 Court Street 19       Suite 1700 Brooklyn, New York 11242</p> <p>20 BY: TIMOTHY M. MCCARTHY, ESQ., of Counsel</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1                   SO</p> <p>2 J O S H U A S O ,   having first been</p> <p>3 duly sworn by a Notary Public, for and</p> <p>4 within the State of New York, upon being</p> <p>5 examined, testified as follows:</p> <p>6</p> <p>7 EXAMINATION BY MR. COHEN:</p> <p>8       Q.   Please state your name for the</p> <p>9 record.</p> <p>10       A.   Joshua So.</p> <p>11       Q.   What is your present home</p> <p>12 address?</p> <p>13       A.   212-08 43rd Avenue, Bayside, New</p> <p>14 York 11361.</p> <p>15       Q.   Good morning.</p> <p>16       A.   Good morning.</p> <p>17       Q.   My name David Cohen. I</p> <p>18 represent the plaintiff in this case Edward</p> <p>19 Shin.</p> <p>20               Would you state your name for</p> <p>21 the record?</p> <p>22       A.   Joshua So.</p> <p>23       Q.   Could you spell that for the</p> <p>24 court reporter?</p> <p>25       A.   J-O-S-H-U-A. Last name S-O.</p>

Page 5

1 SO

2 Q. Sir, have you ever had your

3 deposition taken before?

4 A. No.

5 Q. I'm just going to give you a few

6 ground rules. As you can see there's a court

7 reporter that's taking down everything that

8 you and I say. So it's important that your

9 answers be verbal, because she can't take down

10 a nod or a shrug. Also it's important that

11 only one us is talking at a time. If your

12 counsel objects to a question that I have, let

13 her state her objection and then she'll

14 instruct you whether or not to answer the

15 question. If you don't understand my

16 question, let me know and I'll try to rephrase

17 it so that you do understand it. Also I'm

18 just asking for your personal knowledge. I'm

19 not asking for you to guess or speculate. If

20 in response to one of my questions you're

21 estimating, just let me know. Also if you

22 need to take a break or use the restroom,

23 please let me know and we will accommodate

24 you.

25 Do you understand those

Page 6

1 SO

2 instructions?

3 A. Yes.

4 Q. Sir what is your address?

5 A. 212-08 43rd Avenue, Bayside, New

6 York 11361.

7 Q. What is your native language?

8 A. Korean.

9 Q. Are you fluent in Korean?

10 A. No.

11 Q. Do you have some understanding

12 of Korean?

13 A. Basically.

14 Q. Were you born in this country?

15 A. Brazil.

16 Q. Are you currently employed?

17 A. Yes.

18 Q. By whom?

19 A. Well, I have my own business.

20 Q. Okay. What is the name of that

21 business?

22 A. VIP Garment Care Corp.

23 Q. What kind of business is that?

24 A. Dry cleaner.

25 Q. Are you the owner of that

Page 7

1 SO

2 business?

3 A. Correct.

4 Q. And is that business in New York

5 City?

6 A. Correct.

7 Q. Were you an employee of YS2?

8 A. Yes.

9 Q. How long were you an employee of

10 YS2?

11 A. For two and a half years.

12 Q. Is YS2 currently operating as a

13 business?

14 A. No.

15 Q. When did they cease operating?

16 A. January of this year.

17 Q. Do you know if the YS2 is

18 operating in a different location?

19 A. No.

20 Q. You don't know or they're not?

21 A. I don't know.

22 Q. Did you stop working for YS2 in

23 January of this year?

24 A. Correct.

25 Q. At the time the business closed,

Page 8

1 SO

2 what was your position with the company?

3 A. Manager.

4 Q. Did you have any other positions

5 with the company?

6 A. No.

7 Q. Prior to working for YS2, did

8 you work in any establishments that served

9 alcoholic beverages?

10 A. No.

11 Q. What were your duties as manager

12 of YS2?

13 A. Day-to-day operation.

14 Q. Can you be a little more

15 specific as to what you mean by day-to-day

16 operation?

17 A. Inventory, clientele.

18 Q. What do you mean by clientele?

19 A. Like reservation.

20 Q. Did your duties include

21 supervising any employees or independent

22 contractors working for YS2?

23 A. Yes.

24 Q. And whom specifically did you

25 supervise?

Page 9

1 SO

2 A. John Lee.

3 Q. Anybody else other than John

4 Lee?

5 A. No.

6 Q. What was Mr. Lee's position with

7 YS2?

8 A. Waiter.

9 Q. Did YS2 have independent

10 contractors that performed work at that site?

11 A. Could you be more specific.

12 Q. Do you know what an independent

13 contractor is?

14 A. Yeah.

15 Q. Somebody who is not an employee

16 of the business, but performs work?

17 A. Oh, no.

18 Q. When YS2 was in operation, did

19 YS2 have female hostess that worked for the

20 company?

21 A. No.

22 Q. No?

23 A. No.

24 Q. Did they have female servers?

25 A. No.

Page 10

1 SO

2 Q. Let me hand you what was

3 previously marked Exhibit B.

4 MS. NICOLAOU: Do you have a

5 marked copy? The actual marked.

6 MR. COHEN: That's fine.

7 MS. NICOLAOU: Just because

8 I like to make sure we have the

9 right ones. That was marked as B?

10 MS. BERKOWITZ: Yes.

11 MR. COHEN: Marked on

12 Mr. Shin's deposition.

13 MS. NICOLAOU: The date is

14 on there February 1st.

15 Q. Mr. So, I like you to take a

16 look at what has been marked as Exhibit B.

17 Have you ever seen this before?

18 A. Yes.

19 Q. When did you first see this?

20 A. I see it every day.

21 Q. But this specific check, have

22 you seen this before?

23 A. I seen it, but going back two

24 years. I don't recall.

25 Q. Let me ask you a couple of

Page 11

1 SO

2 questions. On the top of Exhibit B, there's

3 writing that is not in English. Is that in

4 Korean?

5 A. Correct.

6 Q. Can you read that?

7 A. No, I can't.

8 Q. Do you know if the writing on

9 the top left-hand side of B are female Korean

10 names?

11 A. I can't read Korean.

12 Q. There's a time on here, sir,

13 10:45.

14 A. Correct.

15 Q. Do you know what that time

16 represents?

17 A. The time when the customer came

18 in.

19 Q. Let me ask you a couple of

20 questions about YS2 while it was in business.

21 What was the nature of the

22 business?

23 A. It's a business club. Members

24 only.

25 Q. So you had to be a member to

Page 12

1 SO

2 attend?

3 A. Correct.

4 Q. Have you ever heard the term

5 room salon?

6 A. Yes.

7 Q. What does that term mean to you?

8 A. It's a drinking establishment.

9 Q. Is that what YS2 was?

10 A. No.

11 Q. Why wasn't YS2 a room salon?

12 A. YS2 is a business membership

13 only.

14 Q. Was there Karaoke?

15 A. Yes.

16 Q. And was alcohol served?

17 A. Yes.

18 Q. Was food served?

19 A. Yes.

20 Q. Was the food cooked on the

21 premises?

22 A. Yes.

23 Q. And other than Mr. John Lee,

24 were there other servers?

25 A. No.

Page 13

1 SO

2 Q. I asked about this before. I

3 just want to be clear.

4 Were there any female employees

5 or independent contractors that performed any

6 duties on behalf of YS2?

7 A. No.

8 Q. There were no women that --

9 A. Customers.

10 Q. They were customers?

11 A. Yes.

12 MS. BERKOWITZ: Off the

13 record.

14 (Discussion is held off the

15 record.)

16 Q. So if I understand your

17 testimony correctly, sir, there was one server

18 and that was Mr. Lee?

19 A. Correct.

20 Q. And did Mr. Lee serve alcohol to

21 all of the rooms at YS2?

22 A. That's his duty as a waiter.

23 Q. And what about food?

24 A. Food as a waiter he does that

25 too.

Page 14

1 SO

2 Q. To the extent that there were

3 women present in those rooms, is it your

4 testimony that they were guests?

5 A. Correct.

6 Q. Do you know if they were

7 compensated by the patrons of YS2?

8 A. No.

9 Q. You don't know?

10 A. No.

11 Q. They were not?

12 A. They were not.

13 Q. Does YS2, while it was in

14 operation, did it keep records regarding the

15 identity of persons who had worked for the

16 company?

17 A. Of the clientele, that's what

18 you are trying to say?

19 Q. No. I said persons who had

20 worked as employees, who were independent

21 contractors.

22 A. That's with the owner.

23 Q. The owner?

24 A. Yeah.

25 Q. Do you know if those records

Page 15

1 SO

2 were maintained on the premises at YS2?

3 A. I don't recall.

4 Q. Who is the owner of YS2?

5 A. Hyun Hak.

6 Q. Spell that?

7 A. H-Y-U-N H-A-K. Last name Y-I.

8 Q. I'm sorry, how do you pronounce

9 that?

10 A. Hyun Hak.

11 Q. That's a lady?

12 A. No.

13 Q. A man?

14 A. A man.

15 Q. So we'll just refer to him as

16 Mr. Yi?

17 A. Mr. Yi.

18 Q. Other than Mr. Yi, were there

19 any other owners of YS2?

20 A. I don't recall. I don't recall

21 specifically with him.

22 Q. Did you report to Mr. Yi?

23 A. Correct.

24 Q. Other than Mr. John Lee, were

25 there any employees or independent contractors

Page 16

1 SO

2 that served alcoholic beverages to patrons of

3 YS2?

4 A. A waiter.

5 Q. Yes, other than them?

6 A. No.

7 Q. What about yourself? Did you

8 ever serve?

9 A. No.

10 Q. If you could just let me finish

11 my question.

12 A. I apologize.

13 Q. That's okay. Just for the

14 record.

15 In the two and a half years that

16 you worked at YS2, did you ever serve

17 alcoholic beverage to any patrons?

18 A. No.

19 Q. Did you greet patients when they

20 entered the premises?

21 A. Yes.

22 Q. Was that part of your job

23 duties?

24 A. Yes.

25 Q. Did you know some of the patrons

Page 17

1 SO  
 2 by sight who they were?  
 3 A. Some of them.  
 4 Q. I believe you said that YS2 was  
 5 a private club?  
 6 A. Yes.  
 7 Q. Would you know persons who were  
 8 members of the club?  
 9 A. There's a lot of members. So,  
 10 you know, at that time I don't recall who is  
 11 who.  
 12 Q. Did your duties as manager  
 13 include supervising any employees regarding  
 14 serving alcoholic beverages?  
 15 A. Yes.  
 16 Q. Can you describe specifically  
 17 how you supervised the service of alcoholic  
 18 beverages?  
 19 A. To John Lee.  
 20 Q. Was there some type of training  
 21 procedure that you used?  
 22 A. Yes.  
 23 Q. Could you describe what that  
 24 training procedure was?  
 25 A. So what the training is it's

Page 18

1 SO  
 2 when they drink and if they're intoxicated  
 3 then that's when I stop serving.  
 4 Q. Is that what you told Mr. Lee?  
 5 A. Correct.  
 6 Q. Did you give Mr. Lee any written  
 7 materials?  
 8 A. That I don't recall. That's Mr.  
 9 Yi, because he's the owner.  
 10 Q. Mr. Yi is the owner.  
 11 Did Mr. Yi also, to your  
 12 knowledge, did he instruct John Lee regarding  
 13 the service of alcoholic beverages?  
 14 A. I don't know.  
 15 Q. Do you know if Mr. Yi had any  
 16 written materials on that topic?  
 17 A. I don't know.  
 18 Q. Have you, yourself, taken any  
 19 training regarding the sale or service of  
 20 alcoholic beverages in New York?  
 21 A. By whom?  
 22 Q. For example, are you familiar  
 23 with the New York alcohol training awareness  
 24 program?  
 25 A. I'm aware, but I didn't take it.

Page 19

1 SO  
 2 Q. Just so the record is clear, you  
 3 are aware of New York alcohol training  
 4 awareness program?  
 5 A. Correct.  
 6 Q. What's your knowledge of that  
 7 program?  
 8 A. Like I said I heard of it, but  
 9 the full details, I don't.  
 10 Q. From what source did you hear  
 11 about that alcohol training awareness program?  
 12 A. Well, usually a drinking  
 13 establishment has some kind of basic of those  
 14 trainings.  
 15 Q. Based on your testimony, you did  
 16 not participate in that New York alcohol  
 17 training awareness program; is that correct?  
 18 A. Correct.  
 19 Q. Do you know anybody who was  
 20 employed by YS2 who did participate in the New  
 21 York alcohol training awareness program?  
 22 A. I don't know.  
 23 Q. Do you know if Mr. Yi did?  
 24 A. Mr. Yi, I don't know.  
 25 Q. I believe you told John Lee that

Page 20

1 SO  
 2 if a patron was intoxicated not to serve him  
 3 with alcoholic beverages, is that fair to say?  
 4 A. No. If the customer seems  
 5 intoxicated, he'll let me know and it's to my  
 6 discretion.  
 7 Q. I'm sorry. So the policy was if  
 8 John Lee saw a patron that was intoxicated, he  
 9 was to tell you?  
 10 A. Correct.  
 11 Q. And then if he informed you of  
 12 that, what would you do?  
 13 A. It's my decision of serving more  
 14 alcohol or to not serving.  
 15 Q. How would you determine if a  
 16 patron was intoxicated?  
 17 A. So the things that I look for is  
 18 if the speech -- if they slur. If they wobbly  
 19 walk. And if they like very loud. Then I  
 20 decide if I should serve them more.  
 21 Q. And what specifically did you  
 22 tell John Lee how he would determine if a  
 23 patron was intoxicated?  
 24 A. So that's the basic if a  
 25 customer is intoxicated.



Page 21

1 SO

2 Q. Do you mean what you had said

3 previously?

4 A. Yes.

5 Q. I think you said three things.

6 One would be slurred speech?

7 A. Yes.

8 Q. And then the other was they were

9 off balance?

10 MS. BERKOWITZ: Wobbly.

11 Q. Is that the word you used?

12 A. Yes.

13 Q. The other one was if they were

14 loud?

15 A. Correct.

16 Q. Are there any other indica or

17 other types of behavior that you would

18 associate with someone being intoxicated?

19 A. Well, that's the most thing I

20 see on the person if they are intoxicated.

21 Q. How long did Mr. Lee work as a

22 waiter for YS2?

23 A. Same time as me.

24 Q. During that time, how many times

25 did he go to you and inform you that he

Page 22

1 SO

2 believed a patron may be intoxicated?

3 A. He said it a lot.

4 Q. A lot?

5 A. Yes. Meaning to the point you

6 know he'll instruct me, like this person --

7 he'll inspect the room and he'll let me know

8 how the room is.

9 Q. When you say a lot, could you

10 estimate? For example, on a weekly basis, how

11 many times did Mr. Lee tell you that somebody

12 might be intoxicated?

13 A. Oh, I don't know.

14 Q. Over the course of the two and a

15 half years, can you estimate how many times

16 Mr. Lee told you that --

17 A. Maybe my wording -- what I meant

18 is he'll tell me room by room this person --

19 how the room is, you know.

20 Q. When you say he would tell you

21 room by room?

22 A. Meaning he'll -- like a

23 feedback. He'll tell me this room is -- if

24 any issues, he'll let me know.

25 Q. Would he tell you specifically

Page 23

1 SO

2 regarding particular persons within a room?

3 Whether a particular person he thought was

4 intoxicated?

5 A. Well, if, for example, if it's

6 like a party of four, it's kind of very hard

7 to pinpoint. So he'll just go in and see the

8 atmosphere.

9 Q. Can you explain how, just in a

10 typical room, how alcoholic beverages were

11 ordered and served?

12 MS. BERKOWITZ: I'm just

13 going to object to form, because

14 it's compound.

15 MR. COHEN: Let me rephrase.

16 Q. Can you tell me in general terms

17 how alcoholic beverages were ordered in a room

18 at YS2?

19 A. How was it ordered?

20 Q. Yes.

21 A. The customer requests whatever

22 drink they want.

23 Q. And let's go back to Exhibit B.

24 First of all, the date on

25 Exhibit B is 4/21, do you see that?

Page 24

1 SO

2 A. Yes.

3 Q. Going to represent to you that

4 this was the check of one of the rooms during

5 the evening of the incident that brings us

6 here.

7 Now, according to the check it

8 has black two bottles.

9 Do you know what that refers to?

10 MS. BERKOWITZ: I just don't

11 think there's a foundation,

12 because I know that the witness

13 didn't prepare this document.

14 MR. COHEN: But he said that

15 he saw it.

16 MS. NICOLAOU: Actually he

17 said he's seen other documents

18 like this.

19 A. It's a bill. It's a bill.

20 MS. BERKOWITZ: With that

21 objection, the witness didn't

22 prepare the document.

23 MR. COHEN: Understood.

24 Q. But do you know what the term

25 black refers to?



<p style="text-align: right;">Page 25</p> <p>1 SO</p> <p>2 A. Johnnie Walker Black.</p> <p>3 Q. Is that scotch?</p> <p>4 A. Yes.</p> <p>5 Q. It says two bottles?</p> <p>6 A. Yes.</p> <p>7 Q. By bottle is it a fifth? Do you</p> <p>8 know what I mean by a fifth?</p> <p>9 A. No. What do you mean?</p> <p>10 Q. 750 milliliters.</p> <p>11 A. The bottle size?</p> <p>12 Q. Yes.</p> <p>13 A. It's -- yeah, 750.</p> <p>14 Q. If you look at Exhibit B, it</p> <p>15 states there were four guests; do you see</p> <p>16 that?</p> <p>17 A. Yes.</p> <p>18 Q. Let's start with the two</p> <p>19 bottles.</p> <p>20 Do you know if the two bottles</p> <p>21 were ordered at the same time?</p> <p>22 A. No.</p> <p>23 Q. Would they generally be ordered</p> <p>24 one bottle first?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 27</p> <p>1 SO</p> <p>2 A. I don't know.</p> <p>3 MS. BERKOWITZ: I'm going to</p> <p>4 object to the word "served."</p> <p>5 Q. Do you know what the word served</p> <p>6 means?</p> <p>7 A. Yes.</p> <p>8 Q. What does it mean to you?</p> <p>9 A. It means somebody serving.</p> <p>10 Q. Who poured if you know? Would</p> <p>11 Mr. Lee, as part his job duties, would he pour</p> <p>12 the alcohol into the glass of the patron?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. Because that's not his duty.</p> <p>16 Q. So what is his duty?</p> <p>17 A. To bring the drink and just</p> <p>18 leave it there.</p> <p>19 Q. When you say the drink, you mean</p> <p>20 the bottle?</p> <p>21 A. Correct.</p> <p>22 Q. And you leave it where?</p> <p>23 A. On the table.</p> <p>24 Q. On the table. Is there</p> <p>25 glassware on the table?</p>
<p style="text-align: right;">Page 26</p> <p>1 SO</p> <p>2 Q. So the first bottle Mr. Lee</p> <p>3 would bring the bottle into the room?</p> <p>4 A. First bottle?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. What type of glasses would be</p> <p>8 given to the patrons to drink the scotch?</p> <p>9 MS. BERKOWITZ: Objection to</p> <p>10 form. I don't know that glasses</p> <p>11 are given. I know for a fact that</p> <p>12 glasses aren't given to the</p> <p>13 patrons. You want to ask the</p> <p>14 procedure as to how the bottle was</p> <p>15 brought in and what the setup is?</p> <p>16 But no drinks are actually poured</p> <p>17 for the patrons.</p> <p>18 MR. COHEN: Let's see what</p> <p>19 he knows.</p> <p>20 Q. Can you describe how, in this</p> <p>21 case for example, the Johnnie Walker Black was</p> <p>22 served to the four individual patrons in that</p> <p>23 room?</p> <p>24 MS. BERKOWITZ: I'm going to</p> <p>25 object again.</p>	<p style="text-align: right;">Page 28</p> <p>1 SO</p> <p>2 A. There's like coke and glass.</p> <p>3 Q. When I say glassware, I mean</p> <p>4 glasses. For example, are there shot glasses</p> <p>5 on the table? Do you know what a shot glass</p> <p>6 is?</p> <p>7 A. Yes.</p> <p>8 Q. Are there shot glasses on the</p> <p>9 table?</p> <p>10 A. There are regular glasses.</p> <p>11 Q. Does that mean there's no shot</p> <p>12 glasses?</p> <p>13 A. That's if they want we could.</p> <p>14 Q. If the patron request a shot</p> <p>15 glass?</p> <p>16 A. Correct.</p> <p>17 Q. Then YS2 would provide it?</p> <p>18 A. Correct.</p> <p>19 Q. Would patrons bring their own</p> <p>20 shot glasses into YS2?</p> <p>21 A. No.</p> <p>22 Q. If you look at Exhibit B, it has</p> <p>23 black, two bottles. I'm going to represent to</p> <p>24 you that Mr. Shin, in his deposition,</p> <p>25 testified that he also drank beer.</p>

<p style="text-align: right;">Page 29</p> <p>1 SO</p> <p>2 Can you explain why beer does</p> <p>3 not appear on the check?</p> <p>4 A. Because there was no beer.</p> <p>5 Q. There was no beer?</p> <p>6 A. Yeah.</p> <p>7 Q. No beer was brought into the</p> <p>8 room?</p> <p>9 A. Correct.</p> <p>10 Q. But if beer was brought into the</p> <p>11 room, would it be on the check?</p> <p>12 A. Correct.</p> <p>13 Q. What about soft drinks like</p> <p>14 coke? If that was brought into the room,</p> <p>15 would that be on the check?</p> <p>16 A. Coke, no.</p> <p>17 Q. No?</p> <p>18 A. Cocoa Cola, no.</p> <p>19 Q. But your testimony is that if</p> <p>20 beer was brought into the room that would</p> <p>21 appear on the check?</p> <p>22 A. Correct.</p> <p>23 Q. That was that policy of YS2?</p> <p>24 A. Correct.</p> <p>25 Q. Exhibit B, there's an entry that</p>	<p style="text-align: right;">Page 31</p> <p>1 SO</p> <p>2 but I wouldn't serve more alcohol.</p> <p>3 Q. What, if anything, would you</p> <p>4 tell Mr. Lee?</p> <p>5 A. What do you mean?</p> <p>6 Q. I believe you testified that you</p> <p>7 personally do not bring any alcoholic beverage</p> <p>8 into the room.</p> <p>9 A. No. If they want more alcohol,</p> <p>10 I would not serve them more alcohol.</p> <p>11 Q. Did you instruct Mr. Lee to</p> <p>12 enter each room on a regular basis to</p> <p>13 determine whether or not any of the patrons</p> <p>14 were intoxicated?</p> <p>15 A. Well, he'll go room to room to</p> <p>16 see if they need any more, like, food. That's</p> <p>17 his duty.</p> <p>18 Q. Is there a way that the patrons</p> <p>19 that are in a specific room to communicate</p> <p>20 with Mr. Lee if they needed either food or</p> <p>21 additional beverages?</p> <p>22 A. If he wasn't in the room?</p> <p>23 Q. If he wasn't in the room.</p> <p>24 A. Then the customer will come out</p> <p>25 and ask for the waiter.</p>
<p style="text-align: right;">Page 30</p> <p>1 SO</p> <p>2 says room charge, do you see that, sir?</p> <p>3 A. Yes, I do.</p> <p>4 Q. It states \$150; is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. Do you know how that was</p> <p>7 calculated? Is that on a per hour basis?</p> <p>8 A. Correct.</p> <p>9 Q. How much did YS2 charge for a</p> <p>10 room charge on a per hour basis?</p> <p>11 A. That varies.</p> <p>12 Q. That varies?</p> <p>13 A. On the size of the room.</p> <p>14 Q. Do you know what room the check</p> <p>15 for Exhibit B was located in?</p> <p>16 A. I don't recall.</p> <p>17 Q. If Mr. Lee told you that a</p> <p>18 patron might be intoxicated, and you examined</p> <p>19 the patron and believe that in fact the patron</p> <p>20 was intoxicated --</p> <p>21 A. I would not serve anymore</p> <p>22 alcohol to that customer.</p> <p>23 Q. Would you ask the customer to</p> <p>24 leave?</p> <p>25 A. I wouldn't tell him to leave,</p>	<p style="text-align: right;">Page 32</p> <p>1 SO</p> <p>2 Q. Did YS2 have video cameras in</p> <p>3 the establishment?</p> <p>4 A. Yes.</p> <p>5 Q. How many videos cameras did it</p> <p>6 have?</p> <p>7 A. I believe a couple. Like four</p> <p>8 or five.</p> <p>9 Q. Were any of the video cameras in</p> <p>10 any of the rooms?</p> <p>11 A. No.</p> <p>12 Q. So where were the four or five</p> <p>13 video cameras?</p> <p>14 A. In the hallway, in the stairway</p> <p>15 and outside of the establishment.</p> <p>16 Q. Was there a video camera at the</p> <p>17 entrance of the establishment?</p> <p>18 A. Yes.</p> <p>19 Q. How many rooms were there in</p> <p>20 YS2?</p> <p>21 A. 13.</p> <p>22 Q. For example, on a Friday night,</p> <p>23 a typical Friday night, how many of those</p> <p>24 rooms would have patrons?</p> <p>25 A. It varies.</p>

<p style="text-align: right;">Page 33</p> <p>1 SO</p> <p>2 Q. Were there ever Friday nights</p> <p>3 where all 13 rooms were occupied?</p> <p>4 A. No.</p> <p>5 Q. Was there ever a Friday night</p> <p>6 where six rooms were occupied?</p> <p>7 A. Yes.</p> <p>8 Q. And on those nights, was Mr. Lee</p> <p>9 the only waiter?</p> <p>10 A. Yes.</p> <p>11 Q. What if Mr. Lee was sick, who</p> <p>12 would deliver the food and drinks to the</p> <p>13 rooms?</p> <p>14 A. Then the owner would come out.</p> <p>15 Q. Now, as manager, did you have</p> <p>16 any job duties involving the security cameras?</p> <p>17 A. As a manager -- can you repeat</p> <p>18 that again?</p> <p>19 Q. Let me rephrase it.</p> <p>20 As part of your duties as</p> <p>21 manager of YS2, did you review any of the</p> <p>22 security video?</p> <p>23 A. If there was an incident.</p> <p>24 Q. Roughly how many times did you</p> <p>25 have to review the video because of an</p>	<p style="text-align: right;">Page 35</p> <p>1 SO</p> <p>2 protection too?</p> <p>3 A. Yes.</p> <p>4 Q. Is it also for protection of</p> <p>5 patrons that are frequenting the</p> <p>6 establishment?</p> <p>7 A. What do you mean?</p> <p>8 Q. That are eating and drinking at</p> <p>9 the establishment?</p> <p>10 A. It's for the protection for</p> <p>11 everybody.</p> <p>12 Q. When YS2 was operating, was the</p> <p>13 video camera footage viewed in a certain</p> <p>14 location within the building?</p> <p>15 A. What do you mean?</p> <p>16 Q. You have a camera. Say the</p> <p>17 camera is looking at the stairway, is there a</p> <p>18 location within YS2 where someone could view</p> <p>19 that footage?</p> <p>20 A. Yes. They got a footage at the</p> <p>21 stairway.</p> <p>22 Q. Was somebody viewing that live</p> <p>23 as it happened?</p> <p>24 A. No.</p> <p>25 Q. Is there a specific location in</p>
<p style="text-align: right;">Page 34</p> <p>1 SO</p> <p>2 incident?</p> <p>3 A. Not much. Basically like I said</p> <p>4 if there was an incident, then I'll review.</p> <p>5 Q. But how many incidents were</p> <p>6 there in the two and a half years?</p> <p>7 A. Incident, one.</p> <p>8 Q. What was that incident?</p> <p>9 A. On that date.</p> <p>10 Q. Just that date. So your</p> <p>11 testimony is that was the only time that you</p> <p>12 ever saw videotape was on that particular --</p> <p>13 A. No, I saw it. But like I said</p> <p>14 in an incident like this, on this date where I</p> <p>15 have to call 911, besides that, that</p> <p>16 surveillance camera is for our protection.</p> <p>17 It's not for...</p> <p>18 Q. When you say "our protection"</p> <p>19 who are you referring to?</p> <p>20 A. Robbery.</p> <p>21 Q. Is it for the protection of</p> <p>22 the --</p> <p>23 A. Establishment.</p> <p>24 Q. Establishment. What about the</p> <p>25 members of the private club, is it for their</p>	<p style="text-align: right;">Page 36</p> <p>1 SO</p> <p>2 the building where the videotapes were</p> <p>3 maintained?</p> <p>4 A. I don't know that.</p> <p>5 Q. Are you aware of a videotape of</p> <p>6 the incident in this lawsuit?</p> <p>7 A. Am I aware of the video?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. Did you view the video?</p> <p>11 A. After the fact.</p> <p>12 Q. When was it that you viewed the</p> <p>13 video of the incident?</p> <p>14 A. From the owner.</p> <p>15 Q. In terms of the amount of time,</p> <p>16 was it the next day or a week later?</p> <p>17 A. I don't recall.</p> <p>18 Q. Did you watch the video with</p> <p>19 Mr. Yi?</p> <p>20 A. I don't remember.</p> <p>21 Q. Did Mr. Yi tell you to review</p> <p>22 the video?</p> <p>23 A. I don't remember.</p> <p>24 Q. You mentioned his name.</p> <p>25 A. Because he's the owner.</p>

Page 37

1 SO

2 Q. When did you first become aware

3 of the incident in this case?

4 A. I don't remember.

5 Q. Were you at the location during

6 the time of the incident?

7 A. Yes.

8 Q. How was it that you were made

9 aware of the incident?

10 A. Like I said I don't remember.

11 It's going back a couple of years, so I don't

12 remember.

13 Q. Did you make any report to the

14 police?

15 A. The owner did. I called 911

16 once the incident happened. And then when

17 they came, the owner came and then the owner

18 took over.

19 Q. So you called 911; is that

20 correct?

21 A. Correct.

22 Q. What caused you to call 911?

23 A. When Mr. Shin was down the

24 stairs.

25 Q. After he fell down the stairs?

Page 38

1 SO

2 A. Correct.

3 Q. And did you see that happen?

4 A. No.

5 Q. So how did you find out that he

6 had fallen down the stairs?

7 A. Like I said, I don't remember.

8 But I ended up going to the incident and then

9 I saw a guy on the floor.

10 Q. At that time, did you have any

11 interaction with any of the other persons that

12 were involved in the incident?

13 A. I don't remember.

14 Q. Are you aware of a person by the

15 name of Young Lee?

16 A. Yes.

17 Q. How are you familiar with him?

18 A. He's a customer.

19 Q. Is he a member of the club?

20 A. Yes.

21 Q. Did you know him by sight?

22 A. No.

23 Q. He was a member of the club?

24 Did he regularly visit YS2?

25 A. Regularly, no.

Page 39

1 SO

2 Q. How often would he?

3 A. I don't know. It's a lot of

4 members. So I don't recall.

5 Q. But you recall that you know

6 him?

7 A. I don't know him personally, but

8 as a customer, yes.

9 Q. Did you see him when he entered

10 the premises on that evening?

11 A. I don't remember.

12 Q. I didn't mean to interrupt you.

13 A. Like I said. Usually I greet

14 the customers. But sometimes when I'm doing

15 something, then John.

16 Q. And John would greet them?

17 A. Yes.

18 Q. Do you have a recollection on

19 that night which was the 21st of April 2017

20 whether you greeted the customers?

21 A. I don't remember.

22 Q. Are you familiar with a person

23 by the name of Chung Kai Lee?

24 A. I think they were together.

25 That group.

Page 40

1 SO

2 Q. When you say that group, you

3 mean with Mr. Young Lee?

4 A. Young Lee.

5 Q. Do you know who else was in that

6 group?

7 A. No, I don't remember. I don't

8 know.

9 Q. Do you know an individual by the

10 name of Daniel Park?

11 A. I don't know.

12 Q. Do you know an individual by the

13 name of Ed shin?

14 A. Edward Shin?

15 Q. Edward Shin?

16 A. That's the guy who fell.

17 Q. Yes. Did you know him?

18 A. Personally, no. As a customer,

19 yes.

20 Q. Did you know him by sight?

21 A. He comes time to time to drink.

22 Q. Did you greet him when he

23 entered the premises on the evening of --

24 A. I wouldn't remember.

25 Q. Let me finish my question for

Page 41

1 SO

2 the record.

3 Do you recall if you greeted

4 Mr. Shin on the evening of April 21st, 2017?

5 A. I don't remember.

6 Q. On the evening of April 21st,

7 did you see Mr. Shin at any time during that

8 evening before he fell?

9 A. I don't remember.

10 Q. Do you have a recollection as to

11 whether you saw Mr. Young Lee at any time

12 during the night of the 21st and then into the

13 22nd of April?

14 A. I don't remember.

15 Q. Do you have a recollection of

16 whether you saw Mr. Chung Kai Lee on that

17 evening?

18 A. I don't remember.

19 Q. Would the same be true for

20 Daniel Park?

21 A. Correct.

22 Q. I think there's also somebody by

23 the name of Mr. Horn? Is that somebody that

24 you're familiar with?

25 A. No.

Page 42

1 SO

2 Q. Now, on the night in question,

3 did John Lee bring alcoholic beverages to the

4 rooms that Mr. Shin and Mr. Lee were in?

5 A. Did he bring the alcohol that

6 they ordered?

7 Q. Yes.

8 A. Yeah, he brought it to the room.

9 Q. Did he also bring the food that

10 was ordered?

11 A. Correct.

12 Q. Do you know how many times

13 Mr. Lee was in the room that's reflected on

14 Exhibit B?

15 A. I don't know.

16 Q. I like to show you what was

17 previously marked as Exhibit C.

18 MS. NICOLAOU: Was marked

19 February 1, 2019.

20 Q. Sir, I like you to take a look

21 at what has been marked as Exhibit C.

22 Have you seen this document

23 before?

24 A. This document itself?

25 Q. Yes.

Page 43

1 SO

2 A. No, but this kind of receipts.

3 Q. Receipts?

4 A. Yeah.

5 Q. Exhibit C is also dated

6 April 21st, do you see that?

7 A. Yes.

8 Q. Do you know what persons were in

9 the room that's reflected on Exhibit C?

10 A. I don't remember.

11 Q. During the night of April 21st

12 into the early morning hours of April 22nd,

13 2017, did John Lee inform you that any of the

14 patrons might have been intoxicated?

15 A. I don't remember.

16 Q. Did you talk with Mr. Lee after

17 the incident?

18 MS. BERKOWITZ: That night

19 or to this time?

20 MR. COHEN: Yeah, to this

21 time.

22 BY MR. COHEN:

23 Q. Since that happened, did you

24 talk to Mr. Lee?

25 A. About the incident or what

Page 44

1 SO

2 happened that night?

3 Q. Yes, about what happened that

4 night.

5 A. Yeah, we spoke.

6 MS. NICOLAOU: Just for the

7 record, John Lee.

8 THE WITNESS: John Lee.

9 MR. COHEN: John Lee.

10 Q. What did Mr. John Lee tell you

11 about the incident?

12 A. I don't remember.

13 Q. Did you tell him anything about

14 the incident?

15 A. I don't remember.

16 Q. Do you know where John Lee is

17 currently working?

18 A. No.

19 Q. Have you had any contact with

20 him since YS2 stopped operating?

21 A. A couple of times.

22 Q. When was the last time that you

23 had contact with him?

24 A. Over a month ago.

25 Q. Have you talked with him about

<p style="text-align: right;">Page 45</p> <p>1 SO</p> <p>2 this lawsuit?</p> <p>3 A. No.</p> <p>4 Q. Are you friends with Mr. Lee?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know where Mr. Lee lives?</p> <p>7 A. I know where he lives, but I</p> <p>8 don't know his address.</p> <p>9 Q. What part of town does he live</p> <p>10 in?</p> <p>11 A. Flushing/Bayside. I guess the</p> <p>12 border.</p> <p>13 MR. COHEN: Off the record.</p> <p>14 (Discussion is held off the</p> <p>15 record.)</p> <p>16 Q. Just a couple of questions for</p> <p>17 you.</p> <p>18 On the evening of April 21st,</p> <p>19 April 22nd, 2017, did you have any</p> <p>20 recollection of seeing Edward Shin</p> <p>21 intoxicated?</p> <p>22 A. Yes.</p> <p>23 Q. You did?</p> <p>24 A. Yes.</p> <p>25 Q. Can you explain when you saw him</p>	<p style="text-align: right;">Page 47</p> <p>1 SO</p> <p>2 record will speak for itself.</p> <p>3 A. What is your question now?</p> <p>4 Q. My question is, what is the</p> <p>5 basis for your testimony that Mr. Shin was</p> <p>6 intoxicated that night?</p> <p>7 A. It was from John.</p> <p>8 Q. From John Lee?</p> <p>9 A. Hmm, hmm.</p> <p>10 Q. What did John Lee tell you?</p> <p>11 A. Well, this was after the effect.</p> <p>12 That Mr. Shin was -- he was intoxicated.</p> <p>13 Q. So John Lee told you after</p> <p>14 Mr. Shin fell that Mr. Shin had been</p> <p>15 intoxicated?</p> <p>16 A. No, before he fell.</p> <p>17 Q. John Lee told you before</p> <p>18 Mr. Shin fell that Mr. Shin was intoxicated?</p> <p>19 MS. BERKOWITZ: No. It's</p> <p>20 confusing.</p> <p>21 A. State it again?</p> <p>22 Q. First of all these questions</p> <p>23 were only pertaining to before Mr. Shin fell.</p> <p>24 Okay.</p> <p>25 Before he fell, did John Lee</p>
<p style="text-align: right;">Page 46</p> <p>1 SO</p> <p>2 intoxicated?</p> <p>3 A. John is the one who informed me.</p> <p>4 But it's going back so long ago, I don't</p> <p>5 remember.</p> <p>6 Q. Let's take this piece by piece.</p> <p>7 Did you actually see Mr. Shin</p> <p>8 intoxicated on that evening?</p> <p>9 MS. BERKOWITZ: You mean</p> <p>10 after the incident?</p> <p>11 MR. COHEN: No, before the</p> <p>12 incident.</p> <p>13 Q. Before the incident.</p> <p>14 A. Well, I knew because of John.</p> <p>15 Because...</p> <p>16 Q. You're talking about John Lee?</p> <p>17 A. Yes.</p> <p>18 Q. I thought earlier, sir, that you</p> <p>19 testified you had no recollection of whether</p> <p>20 or not John Lee told you any patron was</p> <p>21 intoxicated that night?</p> <p>22 A. No. Like --</p> <p>23 Q. Is your memory coming back?</p> <p>24 MS. BERKOWITZ: You asked</p> <p>25 him a different question. The</p>	<p style="text-align: right;">Page 48</p> <p>1 SO</p> <p>2 tell you that Mr. Shin was intoxicated?</p> <p>3 A. What I recall is John said that</p> <p>4 Mr. Shin was intoxicated.</p> <p>5 Q. When did he tell you that?</p> <p>6 A. While -- I don't remember</p> <p>7 exactly when, but in that time that --</p> <p>8 sometime I guess when they were leaving that</p> <p>9 he was intoxicated.</p> <p>10 Q. So that would have been in the</p> <p>11 early morning hours of April 22nd?</p> <p>12 A. I believe so.</p> <p>13 Q. And John Lee told you before</p> <p>14 Mr. Shin fell?</p> <p>15 A. I think so.</p> <p>16 Q. What did you do when he told you</p> <p>17 that?</p> <p>18 A. Then what I do before he told</p> <p>19 me? That's what -- can you rephrase it?</p> <p>20 Q. My question is, after Mr. Lee</p> <p>21 told you that Mr. Shin was intoxicated, what</p> <p>22 did you do?</p> <p>23 A. No, but that's when he was</p> <p>24 leaving.</p> <p>25 Q. So --</p>



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1 SO

2 A. You could tell -- so when -- I

3 guess when he was leaving, you could tell if a

4 person is intoxicated by their walk.

5 Q. Was Mr. Young Lee intoxicated on

6 the evening of April 21st and 22nd?

7 A. No.

8 Q. But you said that you did not

9 have a recollection of seeing Mr. Young Lee?

10 A. No, when the cops came.

11 Q. I'm not talking about when the

12 cops came. I'm talking about before the --

13 A. I didn't see him. I obviously

14 saw him when the cops came to arrest him.

15 Q. At that time?

16 A. He was talking to the cops. He

17 wasn't intoxicated.

18 Q. Did Mr. John Lee tell you that

19 Mr. Young Lee was intoxicated that night?

20 A. He wasn't intoxicated.

21 Q. My question is, did Mr. Lee tell

22 you that he was intoxicated?

23 A. If he was, he would have let me

24 know.

25 Q. So you have a recollection that

Page 50

1 SO

2 Mr. John Lee told you that Mr. Shin was

3 intoxicated, correct?

4 A. Correct.

5 Q. You also have a recollection

6 that John Lee never told you that Mr. Young

7 Lee was intoxicated; is that also correct?

8 A. Well --

9 MS. NICOLAOU: I'm going to

10 object to form of the question.

11 Q. Did you understand the question?

12 A. She said something.

13 MS. NICOLAOU: That's okay.

14 A. I didn't know.

15 MS. BERKOWITZ: Do you not

16 understand the question?

17 THE WITNESS: Yeah.

18 A. Because you're telling me one

19 thing and then you're telling me a different

20 thing. Confusing me.

21 Q. I certainly don't want to

22 confuse you.

23 Do you know if Young Lee was

24 present at YS2 on the night of April 21st,

25 April 22nd, 2015?

Page 51

1 SO

2 A. Yes, he was there.

3 Q. Was he drinking alcoholic

4 beverages that night?

5 A. Was he what?

6 Q. Was he drinking alcoholic

7 beverages that night at YS2?

8 A. He was in one of the rooms.

9 MS. BERKOWITZ: But he's

10 asking if you specifically know if

11 he was drinking.

12 THE WITNESS: No, I don't

13 know if was -- he was in the room.

14 Like I said, I don't know what's

15 going on in the room.

16 Q. Can you take a look at Exhibit

17 C. I'm going to represent to you that

18 Mr. Young Lee was in that room.

19 Does that refresh your

20 recollection that he was drinking alcoholic

21 beverages at YS2 on that evening?

22 A. I don't know.

23 Q. Earlier you testified that if

24 Mr. John Lee saw a patron that was intoxicated

25 that he would inform you?

Page 52

1 SO

2 A. Correct.

3 Q. And during the two and a half

4 years that you worked at YS2, how many times

5 did John Lee inform you that the patron might

6 be intoxicated?

7 A. I think I answered that question

8 before.

9 Q. Well, I'm asking you again.

10 How many times during those two

11 and a half years did he tell you that a patron

12 might be intoxicated?

13 A. He'll inform me.

14 Q. Sir, my question is, how many

15 times during those two and a half years did he

16 tell you that someone might be intoxicated?

17 A. How many times he informed me?

18 Q. Yes.

19 A. He'll tell me that -- like the

20 thing is if somebody is intoxicated, he'll let

21 me know. And I answered that question before.

22 Q. And you told me that he did tell

23 you that Mr. Shin was intoxicated, correct?

24 A. Yeah, but as he's leaving.

25 Q. My question is, during the two



<p style="text-align: right;">Page 53</p> <p>1 SO</p> <p>2 and a half years that you were the manager at</p> <p>3 YS2, did John Lee tell you that anybody other</p> <p>4 than Mr. Shin was intoxicated in that two and</p> <p>5 a half year period?</p> <p>6 A. He told me, but not to the</p> <p>7 extent of something like this where I have to,</p> <p>8 you know, not serve alcohol.</p> <p>9 Q. So if I understand your</p> <p>10 testimony correctly, Mr. Lee informed you on</p> <p>11 least one other occasion that a patron might</p> <p>12 be intoxicated, but you never had to stop</p> <p>13 serving the patron alcohol?</p> <p>14 A. I don't think you asked me that</p> <p>15 question.</p> <p>16 Q. Well, you said that Mr. Lee</p> <p>17 would tell you if someone was intoxicated.</p> <p>18 A. He'll inform me.</p> <p>19 Q. Inform you.</p> <p>20 A. Yes.</p> <p>21 Q. I take it that he informed you</p> <p>22 by talking to you?</p> <p>23 A. He'll tell me and then it's my</p> <p>24 decision if I should serve more alcohol or</p> <p>25 not.</p>	<p style="text-align: right;">Page 55</p> <p>1 SO</p> <p>2 trying to clarify, I never had an incident</p> <p>3 where I had to call 911. So that's what I</p> <p>4 tried telling you. But you asked me the same</p> <p>5 question.</p> <p>6 Q. Well, I'm trying to get an</p> <p>7 answer.</p> <p>8 So other than the situation</p> <p>9 where you had to call 911, did you ever have a</p> <p>10 situation where Mr. John Lee told you that a</p> <p>11 person at YS2 might be intoxicated?</p> <p>12 A. You got to repeat. My phone got</p> <p>13 me distracted. Can you repeat it?</p> <p>14 MR. COHEN: Can you read the</p> <p>15 question back?</p> <p>16 (The record is read back by</p> <p>17 the reporter.)</p> <p>18 A. I don't recall, but as I was</p> <p>19 telling you that's the part of his job to see</p> <p>20 if somebody is intoxicated. Going back two</p> <p>21 years.</p> <p>22 Q. So his job was to tell you if</p> <p>23 someone was intoxicated, correct?</p> <p>24 A. Correct. I answered that</p> <p>25 question before.</p>
<p style="text-align: right;">Page 54</p> <p>1 SO</p> <p>2 Q. My question is, other than</p> <p>3 Mr. Shin, how many other people did Mr. Lee</p> <p>4 tell you might be intoxicated?</p> <p>5 A. I don't recall.</p> <p>6 Q. But I believe you testified that</p> <p>7 you never had a situation where you --</p> <p>8 A. I never did.</p> <p>9 Q. Let me finish. Then you can</p> <p>10 answer.</p> <p>11 I believe you testified that you</p> <p>12 never had a situation, other than with</p> <p>13 Mr. Shin, where you had to tell Mr. Lee not to</p> <p>14 serve the patron anymore alcohol?</p> <p>15 MS. BERKOWITZ: No, no.</p> <p>16 That's not what's going on. He</p> <p>17 said when they were leaving. They</p> <p>18 were leaving for the night</p> <p>19 already. They were done.</p> <p>20 MR. COHEN: Okay.</p> <p>21 Q. So is that what you meant by you</p> <p>22 never had a situation like that when they were</p> <p>23 already done drinking and that person was</p> <p>24 intoxicated, is that what you are telling us?</p> <p>25 A. Your question is -- what I'm</p>	<p style="text-align: right;">Page 56</p> <p>1 SO</p> <p>2 Q. And your testimony today is that</p> <p>3 you have no recollection if he ever told you</p> <p>4 that anybody was intoxicated?</p> <p>5 A. I see so many of them.</p> <p>6 Q. You see so many of what?</p> <p>7 A. Of customers.</p> <p>8 Q. Of intoxicated customers?</p> <p>9 A. No, customers.</p> <p>10 Q. You just don't remember?</p> <p>11 A. This is going back two years, so</p> <p>12 I apologize. It's going back so long. If you</p> <p>13 told me if it happened last weekend, I can be</p> <p>14 more specific, but it's going back so long.</p> <p>15 Q. I just want to ask you about one</p> <p>16 last thing here just so that I'm clear as to</p> <p>17 what your testimony is.</p> <p>18 Regarding Mr. Shin, when --</p> <p>19 first of all when did you call 911?</p> <p>20 A. When he fell on the stairs.</p> <p>21 Q. And do you know what time that</p> <p>22 was?</p> <p>23 A. I don't remember what time it</p> <p>24 was at.</p> <p>25 Q. YS2, was it open to 4:00 in the</p>

<p style="text-align: right;">Page 57</p> <p>1 SO</p> <p>2 morning?</p> <p>3 A. Correct.</p> <p>4 Q. Did you call 911 after the YS2</p> <p>5 closed or was it still open?</p> <p>6 A. Still open.</p> <p>7 Q. When during that evening did</p> <p>8 John Lee tell you that Mr. Shin might be</p> <p>9 intoxicated?</p> <p>10 A. On that evening?</p> <p>11 Q. Yes.</p> <p>12 A. No. After the fact he told me</p> <p>13 the situation that he was intoxicated.</p> <p>14 Q. I see. So he didn't tell you on</p> <p>15 the night of the incident. He told you after</p> <p>16 the incident?</p> <p>17 A. Yes. So when he went out, he</p> <p>18 saw him intoxicated. And then what I recall,</p> <p>19 is when the cops came to arrest young Lee for</p> <p>20 kicking Shin. But he was perfectly sober. So</p> <p>21 your question is like --</p> <p>22 Q. You're talking about Mr. Lee was</p> <p>23 sober?</p> <p>24 A. Right.</p> <p>25 Q. But Mr. Shin was seriously hurt,</p>	<p style="text-align: right;">Page 59</p> <p>1 SO</p> <p>2 you're asking I had to give a statement, no.</p> <p>3 Q. Did the police ever contact you?</p> <p>4 A. No.</p> <p>5 MR. COHEN: Thank you.</p> <p>6 That's all the questions I have.</p> <p>7 EXAMINATION BY MS. NICOLAOU:</p> <p>8 Q. Good afternoon, Mr. So.</p> <p>9 How are you?</p> <p>10 A. Good.</p> <p>11 Q. My name is Carmen Nicolaou. I</p> <p>12 represent several defendants in this action</p> <p>13 that was commenced by Mr. Edward Shin. I'm</p> <p>14 just going to be asking you some followup</p> <p>15 questions. I'm going to try not to repeat</p> <p>16 some of the questions that were previously</p> <p>17 asked by Mr. Cohen. Of course same rules</p> <p>18 apply. If you don't understand a question,</p> <p>19 let me know and I'll be happy to rephrase it.</p> <p>20 If you answer, I can only assume that you</p> <p>21 understood it. And just wait until I finish</p> <p>22 asking the question before answering it, okay?</p> <p>23 A. Yes.</p> <p>24 Q. Now, do you know how long YS2</p> <p>25 has been in business?</p>
<p style="text-align: right;">Page 58</p> <p>1 SO</p> <p>2 is that fair to say? I mean could you tell</p> <p>3 from looking at Mr. Shin whether he was</p> <p>4 intoxicated or not that's why he fell down the</p> <p>5 stairs?</p> <p>6 A. No. Because at that moment I</p> <p>7 went to call 911.</p> <p>8 Q. How long after you called 911</p> <p>9 was it before they arrived at the scene?</p> <p>10 A. I don't remember. Probably</p> <p>11 quick. Usually they take quick.</p> <p>12 Q. Before 911 arrived, did you go</p> <p>13 to the landing where Mr. Shin had fallen?</p> <p>14 A. No.</p> <p>15 Q. Where did you go after you</p> <p>16 called 911?</p> <p>17 A. Well, 911. Then I called Mr. Yi</p> <p>18 to come. Once he came then the cops came and</p> <p>19 arrested him. That's when Mr. Yi took over.</p> <p>20 Q. What did you do after that?</p> <p>21 A. Whatever I had to do in the</p> <p>22 back.</p> <p>23 Q. Were you asked to give a</p> <p>24 statement by the police?</p> <p>25 A. That was Mr. Yi. Not me. If</p>	<p style="text-align: right;">Page 60</p> <p>1 SO</p> <p>2 A. No, I don't.</p> <p>3 Q. When you started at YS2, I</p> <p>4 believe you testified about two and a half</p> <p>5 years ago.</p> <p>6 Do you know whether the business</p> <p>7 was open or had been open for a period of</p> <p>8 time?</p> <p>9 A. I don't know that.</p> <p>10 Q. I know there was some confusion</p> <p>11 about who was responsible for what, questions</p> <p>12 and answers. So I'm just going to clarify. I</p> <p>13 just need clarification on some things.</p> <p>14 You were the manager of YS2,</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 Q. And your job was to just handle</p> <p>18 the day-to-day operations of the business?</p> <p>19 A. Yes.</p> <p>20 Q. Mr. Yi the owner of the company.</p> <p>21 Was he there on a daily basis?</p> <p>22 A. He comes time to time.</p> <p>23 Q. What were the hours of YS2?</p> <p>24 When was it open for business?</p> <p>25 A. 8 to -- in the week it closed</p>

Page 61

1 SO  
2 early, but usually 8 to 4.  
3 Q. Is that 8:00 p.m.?  
4 A. Correct.  
5 Q. When do you normally arrive to  
6 work?  
7 A. Arrive around 7.  
8 Q. And it was open seven days a  
9 week?  
10 A. No.  
11 Q. What were --  
12 A. It opens -- sometimes we now  
13 open depending on -- we have to wait for  
14 customers, then we'll open.  
15 Q. When is that decision made?  
16 A. Decision made by reservation.  
17 Q. So is it fair to say that people  
18 who plan to go to YS2 or plan to go to YS2  
19 would have to call and make a reservation?  
20 A. Correct.  
21 Q. Would they also just show up?  
22 A. Usually it's called, because if  
23 there's only like one room, then it's not  
24 worth opening the operation.  
25 Q. Other than making a decision to

Page 62

1 SO  
2 close for the night, because you don't have  
3 enough reservations, what were the general  
4 hours of YS2?  
5 A. Eight to four.  
6 Q. What days of the week?  
7 A. Eight to four is on a weekend.  
8 Q. So Saturday and Sunday?  
9 A. No, no. Well, I mean Friday and  
10 Saturday.  
11 Q. Friday and Saturday.  
12 A. Sunday we don't open.  
13 Q. Let's try this again.  
14 Was YS2 generally open for  
15 business on a Monday?  
16 A. Yes.  
17 Q. What about a Tuesday, same  
18 question?  
19 A. Yes.  
20 Q. Thursday?  
21 A. Yes.  
22 Q. Wednesday?  
23 A. Yes.  
24 Q. Friday and Saturday?  
25 A. Yes.

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1 SO  
2 Q. Sunday it was always closed?  
3 A. Yes.  
4 Q. And depending on how many  
5 reservations YS2 would get in advance of  
6 opening, would depend on whether you actually  
7 opened for business on the days you were  
8 scheduled to open for business, is that fair  
9 enough?  
10 A. Correct.  
11 Q. Now, during the week with the  
12 exception of Friday, what were the hours?  
13 A. Eight to three.  
14 Q. So you just closed an hour  
15 early, correct?  
16 A. Correct.  
17 Q. Other than handling the  
18 operations of the business, did you also  
19 handle the general day-to-day maintenance of  
20 the space? In other words, if a light bulb is  
21 out, replace a light bulb. If a doorknob was  
22 broken, replace a doorknob was that your  
23 responsibility?  
24 A. Well, I call the mechanic. I  
25 don't do it myself, but I call somebody to

Page 64

1 SO  
2 replace.  
3 Q. You call somebody to replace?  
4 A. Like a vendor.  
5 Q. I see. Would Mr. Yi, the owner  
6 of the business, also be responsible for the  
7 day-to-day maintenance of the space?  
8 A. Well, I'll inform him.  
9 Q. So if something is broken at  
10 YS2, what would you do?  
11 A. I would inform him and he'll say  
12 call whatever and I'll call.  
13 Q. Do you know a person by the name  
14 of Mitchel Wang?  
15 A. Mitchel Wang? No.  
16 Q. What about Terrence Wu?  
17 A. No.  
18 Q. What about Debra Wang?  
19 A. No.  
20 Q. Also known as Deh-Jung I believe  
21 it's pronounced?  
22 A. No.  
23 Q. Have you dealt with anyone who  
24 represented themselves to be either the owner  
25 of the property where YS2 operated its

<p style="text-align: right;">Page 65</p> <p>1 SO</p> <p>2 business or representing the owner of the</p> <p>3 property?</p> <p>4 A. Can you repeat that question?</p> <p>5 Q. Let me break it up. I get why</p> <p>6 it's confusing. I'll withdraw the question.</p> <p>7 I'll re-ask it differently.</p> <p>8 In your two and a half years at</p> <p>9 YS2, did you ever interact with someone who</p> <p>10 identified themselves as the owner of the</p> <p>11 property where YS2 operated?</p> <p>12 A. No.</p> <p>13 Q. In the two and a half years that</p> <p>14 you worked for YS2, have you ever spoken to</p> <p>15 anyone who represented themselves as</p> <p>16 representing the owners of the property where</p> <p>17 YS2 operates?</p> <p>18 A. No.</p> <p>19 Q. Okay. I know you were asked</p> <p>20 questions about Mr. Young Lee and John Lee.</p> <p>21 Forgive me with all the last names being so</p> <p>22 similar in some way or another. I'm just</p> <p>23 going to go with first names. So if I say</p> <p>24 Young, we know it's Young Lee, fair enough?</p> <p>25 A. Fair enough.</p>	<p style="text-align: right;">Page 67</p> <p>1 SO</p> <p>2 Q. Is there a minimum fee for this</p> <p>3 table service?</p> <p>4 A. It depends on the room.</p> <p>5 Q. Depends on the size of the room?</p> <p>6 A. Size of the room and the party.</p> <p>7 Q. Fair enough. What is the lowest</p> <p>8 minimum fee that was charged by YS2?</p> <p>9 A. The lowest fee is like \$150.</p> <p>10 Q. Is that per hour or just flat?</p> <p>11 A. Per hour.</p> <p>12 Q. What is the highest that has</p> <p>13 been charged?</p> <p>14 A. The highest -- from the years I</p> <p>15 worked the highest -- I don't think I did the</p> <p>16 highest, because that holds over 20. It's a</p> <p>17 big room, so I can't say that I never did.</p> <p>18 Q. With every room rental, does</p> <p>19 that room rental fee cover anything other than</p> <p>20 just simply the room? In other words, does it</p> <p>21 cover fruit. Does it cover soda? Does it</p> <p>22 cover anything like that?</p> <p>23 A. Each item is charged.</p> <p>24 Q. So the \$150 is strictly for the</p> <p>25 room?</p>
<p style="text-align: right;">Page 66</p> <p>1 SO</p> <p>2 Q. If I say John, we know John Lee.</p> <p>3 I don't want to confuse the two. Is that good?</p> <p>4 Fair enough?</p> <p>5 A. Good.</p> <p>6 Q. John was the waiter for YS2?</p> <p>7 A. Yes.</p> <p>8 Q. And if I understand your</p> <p>9 testimony correctly, that John would bring in</p> <p>10 the items into the individual rooms?</p> <p>11 A. Yes.</p> <p>12 Q. This was a table service</p> <p>13 establishment?</p> <p>14 A. Yes.</p> <p>15 Q. Could you please describe or</p> <p>16 explain what a table service is?</p> <p>17 A. Table service is when the</p> <p>18 customer comes in and they ask for a specific</p> <p>19 drink or food, then we'll bring it to them and</p> <p>20 leave it there.</p> <p>21 Q. In other words, and just to be</p> <p>22 clear, they can't order individual drinks.</p> <p>23 They would have to order bottles, is that</p> <p>24 right, as a part of the table service?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 68</p> <p>1 SO</p> <p>2 A. Room.</p> <p>3 Q. On top of that charge, is there</p> <p>4 what I would refer to, tell me if you don't</p> <p>5 understand what that means, a table fee?</p> <p>6 A. Table fee?</p> <p>7 Q. Okay.</p> <p>8 A. That's the room fee.</p> <p>9 Q. That's the room fee?</p> <p>10 A. Okay.</p> <p>11 Q. Let me ask it differently then.</p> <p>12 What if anything is included in</p> <p>13 the room fee other than the room itself?</p> <p>14 A. Everything is included in the</p> <p>15 room fee. And then if they want food, then</p> <p>16 put on the bill.</p> <p>17 Q. So --</p> <p>18 A. So the room fee is the size of</p> <p>19 the room. That's the charge.</p> <p>20 Q. Earlier you testified that soda</p> <p>21 is not charged?</p> <p>22 A. Yeah, Soda is not charged.</p> <p>23 Q. Is that a part of the room fee?</p> <p>24 A. Well, you could say that, yeah.</p> <p>25 Q. In other words, is it</p>

Page 69

1 SO  
2 automatically provided with every room?  
3 A. Yes. Soda, yeah.  
4 Q. Is that something that's brought  
5 into the room with other items or is it  
6 something that's always in the room?  
7 A. In the room.  
8 Q. Soda?  
9 A. In the room.  
10 Q. How is it in the room? Is there  
11 a refrigerator in the room?  
12 A. No, just outside.  
13 Q. Mr. Shin, when he testified at  
14 his deposition, he identified the rooms in  
15 numbers; one and two.  
16 Is that how YS2 identified the  
17 room; room one, room two?  
18 A. Correct.  
19 Q. Mr. Shin, I believe testified,  
20 that the first room he entered that night was  
21 room two. And then he left and went into room  
22 four.  
23 So by saying that, does that  
24 tell you which rooms, based on you working  
25 there for two and a half years, does that give

Page 70

1 SO  
2 you an idea which rooms he would have been in  
3 based on his testimony?  
4 A. Yes.  
5 Q. So let's go into room two. Room  
6 two was the first room that Mr. Shin testified  
7 he entered that night.  
8 Could you describe it to me?  
9 How many people could fit in room two? What's  
10 inside room two and so forth?  
11 A. I don't know what room he was in  
12 specifically.  
13 Q. I'm telling you, sir, he was in  
14 room two.  
15 Could you describe to me what  
16 room two looked like?  
17 A. Room two could fit up to eight  
18 people.  
19 Q. What is in room two or was in  
20 room two back in April of the year 2017? What  
21 was physically in room two during that time?  
22 A. TV, karaoke machine, sodas and  
23 table.  
24 Q. Was there a place for them to  
25 sit?

Page 71

1 SO  
2 A. Yes, couch.  
3 Q. How many couches?  
4 A. It's like one.  
5 Q. L-shape couch?  
6 A. Like one full couch. Like an  
7 L-shape.  
8 Q. L-shape couch. Can you describe  
9 the dimensions of the room? What was the size  
10 of it approximately? I don't expect you to  
11 know it.  
12 A. No.  
13 Q. Was room two considered an  
14 average room, a small room, large room  
15 compared to the other rooms at YS2?  
16 A. Average.  
17 Q. Now, you said there's a L-shaped  
18 couch. Is there a table?  
19 A. Yes.  
20 Q. Is this a coffee table or is  
21 this like a dining room table? What kind of  
22 table was it?  
23 A. Something like this.  
24 Q. Like a conference room table?  
25 A. Yes.

Page 72

1 SO  
2 Q. So the height of a standard  
3 table?  
4 A. It's low.  
5 Q. But it was long?  
6 A. Yes. It's not that long as this  
7 but...  
8 Q. Could you describe to me the  
9 length of that table?  
10 A. From that end to like in the  
11 middle.  
12 Q. Could you approximate how big  
13 that table is? If I said it's about ten feet,  
14 does that sound right?  
15 A. Yes.  
16 Q. Give or take a foot or less?  
17 A. Yes.  
18 Q. So that's what's in room two.  
19 So it fits eight people, TV,  
20 karaoke machine, sodas, L-shape couch, and the  
21 table conference room type rectangular table.  
22 Is it low to the ground or higher up?  
23 A. Lower.  
24 Q. So is it the height of a coffee  
25 table or general height of a coffee table?



Page 73

1 SO

2 A. Yeah.

3 Q. So you can reach it?

4 A. Because when you sit on the

5 couch, so it's like leveled.

6 Q. So a person goes in and says, I

7 want room two or I'm reserving a room. So you

8 hold that room for them.

9 Are they given an opportunity to

10 order anything first or is there something

11 that's automatically brought to them before an

12 order is placed?

13 A. They place the order.

14 Q. So you know how you go to a

15 restaurant sometimes and they're always

16 bringing bread and butter?

17 A. Yes.

18 Q. Is there something, not

19 necessarily bread and butter, is there

20 something similar to that with a room, water

21 and ice?

22 A. Water and soda.

23 Q. Water and soda. Is that

24 automatically brought in before an order is

25 placed?

Page 74

1 SO

2 A. It's on the table before they

3 come.

4 Q. So is the room prepared in

5 advance of them coming?

6 A. No, every room has basic soda

7 and water.

8 Q. So if a room is reserved, do you

9 prepare that room with soda and water? Or is

10 it always in there no matter what?

11 A. Always in there.

12 Q. Do you do anything to the room

13 once a reservation is made --

14 A. No.

15 Q. -- to prepare it before people

16 arrive?

17 A. No.

18 Q. So they walk in. They get into

19 their seats. Are they given a menu?

20 A. The menu -- they didn't get the

21 menu, but they'll tell the waiter what they

22 want.

23 Q. At that point they order drinks

24 in the form of bottles; is that right?

25 A. Correct.

Page 75

1 SO

2 Q. In this case we're looking at

3 Defendant's Exhibit C dated February 1, 2019.

4 This guest receipt has Johnnie Walker Blue, so

5 that's what was ordered.

6 A. If that's what it says.

7 Q. Let's go down this.

8 A. I mean if that's what it says,

9 then it's correct.

10 Q. In this one it shows that a

11 fruit plater was ordered?

12 A. Correct.

13 Q. And meatballs?

14 A. Correct.

15 Q. What kind of meatballs?

16 A. Some meatballs.

17 Q. Like regular meatballs?

18 A. Yes.

19 Q. Just curious.

20 And chicken; is that right?

21 A. Yes.

22 Q. Shows like the meal. In this

23 situation looks like Johnnie Walker Blue was

24 ordered. Okay?

25 A. Okay.

Page 76

1 SO

2 Q. And several pieces of several

3 items.

4 Now, do you know if they were

5 all ordered at the same time?

6 A. I don't know that.

7 Q. You don't know the order of --

8 A. If depends on the customer.

9 They could order one thing. 20 minutes later

10 or 30 minutes later they can order another

11 thing.

12 Q. So who prepares these checks,

13 these guest checks?

14 A. John. John Lee.

15 Q. Is your handwriting on any

16 portion of Defendant's Exhibit C dated

17 February 1, 2019?

18 A. No.

19 Q. I'm going to ask the same

20 question for Defendant's Exhibit B dated

21 December 1st, 2009. Is your handwriting on

22 any of these?

23 A. No.

24 Q. Are you shown these checks at

25 all by John Lee during the night when they're

<p style="text-align: right;">Page 77</p> <p>1 SO</p> <p>2 in business?</p> <p>3 A. Those are given to the owner.</p> <p>4 So I guess end of the night gets to the owner.</p> <p>5 Q. Who collects payment?</p> <p>6 A. John.</p> <p>7 Q. When he collects payment, where</p> <p>8 does he go to deliver the payment that he is</p> <p>9 collected?</p> <p>10 A. Where does he put it?</p> <p>11 Q. Yes.</p> <p>12 A. In the drawer.</p> <p>13 Q. In the drawer?</p> <p>14 A. The cash drawer.</p> <p>15 Q. Are you involved in that process</p> <p>16 collecting the payment from John and putting</p> <p>17 it away in the cash drawer?</p> <p>18 A. No. John, he handles all that.</p> <p>19 Q. He handles all of that?</p> <p>20 A. Correct.</p> <p>21 Q. Mr. Shin testified that when he</p> <p>22 arrived in room two, there was a bottle of</p> <p>23 Johnnie Walker Blue, okay, or black. This is</p> <p>24 room two. I'm looking at the wrong receipt.</p> <p>25 If a bottle of black whisky was</p>	<p style="text-align: right;">Page 79</p> <p>1 SO</p> <p>2 A. He opens it and he leaves it.</p> <p>3 Q. And he leaves it and he walks</p> <p>4 out?</p> <p>5 A. Correct.</p> <p>6 Q. Is it the customers that create</p> <p>7 or make their own drinks?</p> <p>8 A. That's on the customer however</p> <p>9 they want to drink, it's up to them.</p> <p>10 Q. So they pour their own drinks?</p> <p>11 A. Yes.</p> <p>12 Q. Just so we're clear.</p> <p>13 A. Yes.</p> <p>14 Q. Mr. Lee does not?</p> <p>15 A. No.</p> <p>16 Q. What if a bottle wine is</p> <p>17 ordered? Let me ask you this. You have a</p> <p>18 look of confusion on your face. Does YS2 offer</p> <p>19 wine?</p> <p>20 A. Wine, no.</p> <p>21 Q. So what kind of alcohol does YS2</p> <p>22 offer? Just hard liquor?</p> <p>23 A. Liquor, champagne.</p> <p>24 Q. Does the same rule apply to</p> <p>25 champagne, he opens a bottle and Mr. Lee puts</p>
<p style="text-align: right;">Page 78</p> <p>1 SO</p> <p>2 ordered? That's whiskey? I got my alcohol</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. If a bottle of black whiskey was</p> <p>6 ordered along with fruit plater, plater of</p> <p>7 meatballs which is depicted on Defendant's</p> <p>8 Exhibit B, date February 1, 2019, how is it</p> <p>9 delivered to them? Like how is it assembled?</p> <p>10 How is it delivered?</p> <p>11 A. On a plater. Like food. Dish</p> <p>12 plater.</p> <p>13 Q. Are the foods on individual</p> <p>14 platers?</p> <p>15 A. Yes.</p> <p>16 Q. Is everything put on like a cart</p> <p>17 all at once or are they delivered?</p> <p>18 A. Hand delivered.</p> <p>19 Q. Hand delivered by Mr. Lee?</p> <p>20 A. Correct.</p> <p>21 Q. How is the alcohol delivered?</p> <p>22 A. Hand delivered.</p> <p>23 Q. Is the bottle brought -- what is</p> <p>24 the procedure? Mr. Lee brings a bottle into</p> <p>25 the room?</p>	<p style="text-align: right;">Page 80</p> <p>1 SO</p> <p>2 it down and leaves?</p> <p>3 A. Correct.</p> <p>4 Q. Is beer offered?</p> <p>5 A. Yes.</p> <p>6 Q. What kind of beer was offered by</p> <p>7 YS2?</p> <p>8 A. Corona. Heineken.</p> <p>9 Q. How is it offered? In can?</p> <p>10 Bottles?</p> <p>11 A. Bottle.</p> <p>12 Q. All bottles?</p> <p>13 A. Yeah.</p> <p>14 Q. If someone requested beer to be</p> <p>15 brought into the room in addition to Johnnie</p> <p>16 Walker Blue or Black or some other liquor, no</p> <p>17 matter what, would that also be charged?</p> <p>18 A. Correct.</p> <p>19 Q. And would that also appear on</p> <p>20 the check?</p> <p>21 A. Correct.</p> <p>22 Q. What was the cost of the beer?</p> <p>23 A. The cost of the beer we charge</p> <p>24 like five.</p> <p>25 Q. \$5?</p>



<p style="text-align: right;">Page 81</p> <p>1 SO</p> <p>2 A. \$5.</p> <p>3 Q. A bottle?</p> <p>4 A. A bottle.</p> <p>5 Q. Is that across the board or is</p> <p>6 it depending on the type of beer?</p> <p>7 A. Type of beer.</p> <p>8 Q. What was charged for Coors</p> <p>9 Light?</p> <p>10 A. Say that again?</p> <p>11 Q. What was charged for Coors</p> <p>12 Light?</p> <p>13 A. Coors Light we charge like four.</p> <p>14 Q. You were going to say something?</p> <p>15 A. No.</p> <p>16 Q. Is there ever a situation where</p> <p>17 beer is included in the package --</p> <p>18 A. No.</p> <p>19 Q. -- at YS2?</p> <p>20 A. No.</p> <p>21 Q. It's always a separate charge?</p> <p>22 A. Separate charge.</p> <p>23 Q. Is it because it's alcohol?</p> <p>24 A. Correct.</p> <p>25 Q. So you have to pay for the</p>	<p style="text-align: right;">Page 83</p> <p>1 SO</p> <p>2 I keep screwing up my own rule. Chung Lee,</p> <p>3 from what I understand, through a company,</p> <p>4 purchased the property after the accident.</p> <p>5 Do you know what the person</p> <p>6 looks like who owns Picnic Gardens?</p> <p>7 A. No.</p> <p>8 Q. Do you know what the person</p> <p>9 looks like who owns the property where Picnic</p> <p>10 Garden and YS2 are located?</p> <p>11 A. No.</p> <p>12 Q. If there were any complaints</p> <p>13 about certain parts of the establishment, and</p> <p>14 I'm referring to YS2, would those be brought</p> <p>15 directly to you?</p> <p>16 A. Complaints in what way?</p> <p>17 Q. Well, let's just say if somebody</p> <p>18 trips and falls over some condition of the</p> <p>19 establishment, would that be something that</p> <p>20 would be brought to your attention?</p> <p>21 A. Yes, through John.</p> <p>22 Q. Through John?</p> <p>23 A. Yeah. By trip and fall you mean</p> <p>24 while they're in the room and come out and</p> <p>25 trip and fall?</p>
<p style="text-align: right;">Page 82</p> <p>1 SO</p> <p>2 alcohol?</p> <p>3 A. Alcohol. They get charged for</p> <p>4 alcohol and beer they get charged for beer.</p> <p>5 Q. We're going to go with Lee</p> <p>6 number three, Chung Lee.</p> <p>7 Do you remember being asked if</p> <p>8 you knew who he was?</p> <p>9 A. Chung Lee.</p> <p>10 MS. NICOLAOU: Is it Chung</p> <p>11 Lee? Am I getting that right?</p> <p>12 MS. BERKOWITZ: Yes.</p> <p>13 Q. Do you know who Chung Lee is?</p> <p>14 A. No.</p> <p>15 Q. Do you know the restaurant known</p> <p>16 as Picnic Gardens?</p> <p>17 A. There's a restaurant, but</p> <p>18 downstairs.</p> <p>19 Q. If I told you that Mr. Lee</p> <p>20 appears as the owner of Picnic Gardens, would</p> <p>21 that refresh your recollection who Mr. Lee</p> <p>22 was, Chung Lee?</p> <p>23 A. I believe he bought the building</p> <p>24 or something like that.</p> <p>25 Q. Yes. Mr. Lee, Chung Lee got --</p>	<p style="text-align: right;">Page 84</p> <p>1 SO</p> <p>2 Q. Let me withdraw.</p> <p>3 A. Be more specific.</p> <p>4 Q. Fair enough.</p> <p>5 Let me rephrase this question.</p> <p>6 Have you ever personally</p> <p>7 received any complaints about the staircase</p> <p>8 leading from the first floor once you enter</p> <p>9 the building up until where YS2 had the space?</p> <p>10 A. No.</p> <p>11 Q. Have you ever known anyone</p> <p>12 falling down that staircase in the two and a</p> <p>13 half years that you worked at YS2?</p> <p>14 A. Only --</p> <p>15 Q. Mr. Shin?</p> <p>16 A. Shin.</p> <p>17 Q. Have you ever received any</p> <p>18 complaints about the lightening condition of</p> <p>19 that staircase at any time prior to Mr. Shin's</p> <p>20 accident?</p> <p>21 A. No.</p> <p>22 Q. Is there lighting on top of that</p> <p>23 staircase?</p> <p>24 A. Yes.</p> <p>25 Q. Could you describe to me what</p>

<p style="text-align: right;">Page 85</p> <p>1 SO</p> <p>2 type of lighting there was?</p> <p>3 A. There was a florescent light.</p> <p>4 Q. Could you describe to me the</p> <p>5 lighting conditions on top of that staircase?</p> <p>6 Let me give you examples, because I know it's</p> <p>7 difficult. Just generalize as much as</p> <p>8 possible.</p> <p>9 Was it a very brightly lit area?</p> <p>10 Was it lit like a regular room? Was it dim in</p> <p>11 like a club setting? However you could</p> <p>12 describe it.</p> <p>13 A. It was pretty bright.</p> <p>14 Q. Pretty bright.</p> <p>15 And was the lighting condition</p> <p>16 the same on the day of Mr. Shin's accident?</p> <p>17 A. I believe so.</p> <p>18 Q. Now, at any time after</p> <p>19 Mr. Shin's accident, was any work done to the</p> <p>20 staircase itself leading up to YS2?</p> <p>21 A. Prior to the incident?</p> <p>22 Q. After Mr. Shin.</p> <p>23 A. There was a renovation.</p> <p>24 Q. What was done?</p> <p>25 A. The stairs.</p>	<p style="text-align: right;">Page 87</p> <p>1 SO</p> <p>2 Q. Could you describe to me what it</p> <p>3 looked like other than steps. Obviously there</p> <p>4 were steps, right?</p> <p>5 A. There's steps and then there's a</p> <p>6 -- what do you call it? Like a --</p> <p>7 Q. Landing?</p> <p>8 A. Like a landing and then steps.</p> <p>9 Q. Is that how the staircase looked</p> <p>10 like on the date of the accident?</p> <p>11 A. Yes.</p> <p>12 Q. I'm going to show you what's</p> <p>13 been marked as Defendant's Exhibit K on</p> <p>14 February 1, 2019. I want you to take a look</p> <p>15 at that. No question. Just take a look at</p> <p>16 that and let me know when you're done.</p> <p>17 MS. NICOLAOU: Would you</p> <p>18 like to look at it?</p> <p>19 MR. COHEN: Yes, I would.</p> <p>20 Q. Exhibit K, could you tell me,</p> <p>21 sir, what this photograph depicts?</p> <p>22 A. What this is?</p> <p>23 Q. What's shown in the photograph?</p> <p>24 Do you know what's shown in that photograph?</p> <p>25 A. The stairs.</p>
<p style="text-align: right;">Page 86</p> <p>1 SO</p> <p>2 Q. What was done to the stairs?</p> <p>3 A. Renovated.</p> <p>4 Q. Did they replace the entire</p> <p>5 staircase? Did they change it around? What</p> <p>6 did they do?</p> <p>7 A. They changed it around.</p> <p>8 Q. How did they do that?</p> <p>9 A. Took out the carpet and put in</p> <p>10 more like marble. The stair they changed the</p> <p>11 whole thing.</p> <p>12 Q. The covering of the staircase?</p> <p>13 A. Before it was covered by --</p> <p>14 Q. Carpet?</p> <p>15 A. Carpet. Took everything out and</p> <p>16 then put in like marble or something.</p> <p>17 Q. Did they change the actual</p> <p>18 staircase itself? In other words, did they</p> <p>19 add stairs? Did they take away stairs? Did</p> <p>20 they do something to the physical structure of</p> <p>21 the staircase?</p> <p>22 A. No. Not what I recall.</p> <p>23 Q. Did you use the staircase when</p> <p>24 you went to work?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 SO</p> <p>2 Q. What stairs is that?</p> <p>3 A. Outside the establishment.</p> <p>4 Q. For YS2?</p> <p>5 A. And for the third floor.</p> <p>6 Q. YS2, how many floors did it</p> <p>7 occupy at that property?</p> <p>8 A. For YS2 only?</p> <p>9 Q. For YS2 only.</p> <p>10 A. Second floor.</p> <p>11 Q. Just the second floor?</p> <p>12 A. Yes.</p> <p>13 Q. In order to enter YS2's</p> <p>14 establishment, was there a door?</p> <p>15 A. Down the stairs.</p> <p>16 Q. So is there a separate and</p> <p>17 distinct entrance for YS2?</p> <p>18 A. No. It's a whole -- for the</p> <p>19 third floor -- so they could take the stairs</p> <p>20 to the third floor too.</p> <p>21 Q. Is this a staircase that's going</p> <p>22 to the YS2 establishment or in other words the</p> <p>23 second floor?</p> <p>24 A. Second enter.</p> <p>25 Q. Sir, let me ask the question.</p>

<p style="text-align: right;">Page 89</p> <p>1 SO</p> <p>2 Hold on.</p> <p>3 In K, follow me, in Exhibit K,</p> <p>4 the staircase that's shown in this photograph,</p> <p>5 is it the staircase between the first floor</p> <p>6 and the second floor?</p> <p>7 A. Yeah.</p> <p>8 Q. I'm not talking about the one</p> <p>9 going up to the third.</p> <p>10 A. Oh, I thought you meant --</p> <p>11 Q. I'm just asking you what's shown</p> <p>12 here is between the first and second floor?</p> <p>13 A. Yes.</p> <p>14 Q. Sir, could you do me a favor and</p> <p>15 point to me where the landing is in that</p> <p>16 staircase?</p> <p>17 A. Landing of Mr. Shin?</p> <p>18 Q. No, no. You testified that</p> <p>19 there were steps and there was a landing.</p> <p>20 A. The steps (indicating).</p> <p>21 Q. So just for the record, are you</p> <p>22 referring to -- I can't even figure how to</p> <p>23 describe this.</p> <p>24 MS. NICOLAOU: Would you</p> <p>25 have any objection to marking it?</p>	<p style="text-align: right;">Page 91</p> <p>1 SO</p> <p>2 A. Yes.</p> <p>3 Q. Is there a landing shown in</p> <p>4 Defendant's Exhibit D, the one that you</p> <p>5 described before?</p> <p>6 A. Yes.</p> <p>7 Q. Is that the landing that is six</p> <p>8 steps up from the first floor?</p> <p>9 A. Yes.</p> <p>10 Q. After that landing, are the</p> <p>11 steps continuous?</p> <p>12 A. There's a gap and then it</p> <p>13 continues.</p> <p>14 Q. Right. When you say the gap,</p> <p>15 just so we're clear, referring to about the</p> <p>16 landing; is that right?</p> <p>17 A. Correct.</p> <p>18 Q. After that landing, it's a</p> <p>19 continuous staircase to the second floor,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Were you notified of Mr. Shin's</p> <p>23 accident?</p> <p>24 A. At that night, yes.</p> <p>25 Q. When you were notified of his</p>
<p style="text-align: right;">Page 90</p> <p>1 SO</p> <p>2 MS. BERKOWITZ: Do you have</p> <p>3 a better one that shows the shot?</p> <p>4 A. There's a gap.</p> <p>5 Q. It's a photograph that's been</p> <p>6 printed, and I don't want to identify the</p> <p>7 color.</p> <p>8 MS. BERKOWITZ: I think</p> <p>9 there's a better one that shows</p> <p>10 the landing.</p> <p>11 MS. NICOLAOU: You're right.</p> <p>12 Hold on.</p> <p>13 Q. I'm going to show you what has</p> <p>14 been marked as Defendant's Exhibit D.</p> <p>15 Take a look at that photograph.</p> <p>16 Let me know when you're done. You're done?</p> <p>17 A. Done.</p> <p>18 Q. Don't say uh-huh. Use your</p> <p>19 words.</p> <p>20 A. I'm too used to it.</p> <p>21 Q. Just for today try.</p> <p>22 So we're looking at Defendant's</p> <p>23 Exhibit D. Is this the same staircase that's</p> <p>24 shown in Defendant's Exhibit K, but looking</p> <p>25 from the first floor up?</p>	<p style="text-align: right;">Page 92</p> <p>1 SO</p> <p>2 accident, did you go to the staircase?</p> <p>3 A. I came out near the door.</p> <p>4 Q. Near the door of YS2?</p> <p>5 A. Yes.</p> <p>6 Q. Did you see Mr. Shin on the</p> <p>7 staircase or down the stairs?</p> <p>8 A. He was down the stairs.</p> <p>9 Q. Could you tell me, sir, where</p> <p>10 was he physically when you saw him?</p> <p>11 A. One, two, three, four, five,</p> <p>12 six, in that gap.</p> <p>13 Q. And you say gap, but we're</p> <p>14 referring to --</p> <p>15 A. The space.</p> <p>16 Q. Landing, gap?</p> <p>17 A. I don't know how you refer that.</p> <p>18 Q. You call it gap. I'll call it</p> <p>19 gap. But just so the record is clear, we're</p> <p>20 referring to the landing, okay?</p> <p>21 A. Yes.</p> <p>22 Q. So Mr. Shin was lying on the</p> <p>23 landing or the gap on that staircase? In</p> <p>24 other words, just so I'm clear, he wasn't</p> <p>25 physically on the ground on the bottom most of</p>

<p style="text-align: right;">Page 93</p> <p>1 SO</p> <p>2 the staircase; is that right?</p> <p>3 A. Yep. Yes.</p> <p>4 Q. Just so I'm clear, the only</p> <p>5 changes made to that staircase was the carpet</p> <p>6 was pulled and marble steps or some kind of</p> <p>7 stone steps were put in place, the covering?</p> <p>8 A. They renovated with the</p> <p>9 handrails and...</p> <p>10 Q. They renovated the handrails</p> <p>11 too?</p> <p>12 A. Painting.</p> <p>13 Q. In this photograph, in</p> <p>14 Defendant's Exhibit D and Defendant's Exhibit</p> <p>15 K, do you see they show two handrails? Do you</p> <p>16 see the two handrails, sir?</p> <p>17 A. Yes.</p> <p>18 Q. Were there two handrails on the</p> <p>19 date of the accident?</p> <p>20 A. Yes.</p> <p>21 Q. Were there always two handrails</p> <p>22 going up and down that staircase?</p> <p>23 A. I believe so.</p> <p>24 Q. But just to be clear, on the</p> <p>25 date of the accident, there were two</p>	<p style="text-align: right;">Page 95</p> <p>1 SO</p> <p>2 back on the video.</p> <p>3 Yesterday, March 14th, we</p> <p>4 received what was identified as</p> <p>5 security footage from the YS2</p> <p>6 location.</p> <p>7 MS. BERKOWITZ: Original.</p> <p>8 MS. NICOLAOU: Original</p> <p>9 footage from counsel for YS2. It</p> <p>10 is in a Drop Box and I'm playing</p> <p>11 it. I'm going to be playing it</p> <p>12 for the witness.</p> <p>13 Can we stipulate that this</p> <p>14 is the video that was exchanged</p> <p>15 yesterday?</p> <p>16 MS. BERKOWITZ: Yes.</p> <p>17 MR. COHEN: Sure.</p> <p>18 MS. NICOLAOU: Yes.</p> <p>19 So-1 will be the video that</p> <p>20 was disclosed yesterday by counsel</p> <p>21 for YS2, and the name of that</p> <p>22 video, according to this file is</p> <p>23 190314 video from client.MP4.</p> <p>24 (Video was deemed marked So</p> <p>25 Exhibit 1 for identification, as</p>
<p style="text-align: right;">Page 94</p> <p>1 SO</p> <p>2 handrails; is that right?</p> <p>3 A. What I recall, yes.</p> <p>4 Q. Those handrails that are shown</p> <p>5 in Defendant's Exhibit D and K, do they</p> <p>6 accurately depict what the handrails looked</p> <p>7 like on the date of the accident?</p> <p>8 A. What? On the day the accident?</p> <p>9 Repeat that again?</p> <p>10 MS. NICOLAOU: Could you</p> <p>11 read it back.</p> <p>12 (The record is read back by</p> <p>13 the reporter.)</p> <p>14 A. I don't know.</p> <p>15 Q. Does the staircase itself, as</p> <p>16 it's pictured in Defendant's D and K, does it</p> <p>17 accurately depict what the staircase looked</p> <p>18 like on the date of the accident?</p> <p>19 A. On the day of the accident, yes.</p> <p>20 MS. NICOLAOU: Let's go off</p> <p>21 the record. I just want to get to</p> <p>22 the video.</p> <p>23 (Discussion is held off the</p> <p>24 record.)</p> <p>25 MS. NICOLAOU: Let's just go</p>	<p style="text-align: right;">Page 96</p> <p>1 SO</p> <p>2 of this date March 15, 2019.)</p> <p>3 Q. Now, Mr. So, in preparation of</p> <p>4 today's deposition, did you review any</p> <p>5 pictures, any documents or any video footage?</p> <p>6 A. Did I ever see that?</p> <p>7 Q. Did you see any documents, any</p> <p>8 video footage, any photographs to prepare for</p> <p>9 today's deposition?</p> <p>10 A. No.</p> <p>11 Q. Did you see any security footage</p> <p>12 that prior to today that captures the incident</p> <p>13 involving Mr. Shin?</p> <p>14 A. No.</p> <p>15 Q. So I'm going to --</p> <p>16 MS. BERKOWITZ: She said</p> <p>17 prior to today.</p> <p>18 A. Prior to today? Yeah, after the</p> <p>19 effect. I thought you meant recently.</p> <p>20 Q. I'm going to expand this.</p> <p>21 There's no sound. So I'm going to play this.</p> <p>22 It's about a two minute and 22 second video</p> <p>23 according to the attachment on my screen. I'm</p> <p>24 going to play it. I just want you to watch</p> <p>25 the whole thing. When it's done, I'll just</p>

<p style="text-align: right;">Page 97</p> <p>1 SO</p> <p>2 ask you some questions.</p> <p>3 (Video being played.)</p> <p>4 Q. Now, Mr. So, now you had an</p> <p>5 opportunity to look at this video, right?</p> <p>6 A. Yes.</p> <p>7 Q. After looking at it, is this the</p> <p>8 video that you watched prior to today?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember when was the</p> <p>11 last time you saw this video?</p> <p>12 A. Two years ago.</p> <p>13 Q. Was it on the very day of the</p> <p>14 accident?</p> <p>15 A. On the accident, no. I think it</p> <p>16 was a day -- I don't remember.</p> <p>17 Q. It was sometime after the</p> <p>18 accident?</p> <p>19 A. Correct.</p> <p>20 Q. Now, remember when I asked you,</p> <p>21 Mr. So, if the photographs accurately depict</p> <p>22 how the handrails looked on the day of the</p> <p>23 accident, do you remember that question?</p> <p>24 A. Yes.</p> <p>25 (Video being played.)</p>	<p style="text-align: right;">Page 99</p> <p>1 SO</p> <p>2 Q. Sir, based on looking at this</p> <p>3 security footage and comparing it to the</p> <p>4 photographs that were marked on February 1st,</p> <p>5 2019, does that refresh your recollection</p> <p>6 whether the handrails depicted in these</p> <p>7 photographs accurately represent what the</p> <p>8 handrails looked like on the date of the</p> <p>9 accident?</p> <p>10 A. Yes.</p> <p>11 Q. And just to be clear, there were</p> <p>12 two handrails, right, sir?</p> <p>13 A. Yes.</p> <p>14 Q. And just to be clear, sir, we</p> <p>15 paused the video one second in. Do you see</p> <p>16 the landing in this video?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the same landing that</p> <p>19 you identified in Defendant's Exhibit D marked</p> <p>20 on February 1, 2019?</p> <p>21 A. From the video, no.</p> <p>22 Q. I'm sorry?</p> <p>23 A. From the video that I saw?</p> <p>24 Q. Sir, is that the same landing?</p> <p>25 A. Yeah, yeah, yeah.</p>
<p style="text-align: right;">Page 98</p> <p>1 SO</p> <p>2 Q. Now, I pause this video at one</p> <p>3 second, fair enough?</p> <p>4 A. Fair enough.</p> <p>5 Q. In this video, the screen shot</p> <p>6 where it's paused at one second, does that</p> <p>7 show that staircase that we talked about from</p> <p>8 the first floor to the second floor?</p> <p>9 A. Yes.</p> <p>10 Q. Is that the same staircase</p> <p>11 that's shown in Defendant's Exhibit K?</p> <p>12 A. Yes.</p> <p>13 Q. And Defendant's Exhibit J?</p> <p>14 A. Yes.</p> <p>15 Q. Defendant's Exhibit I?</p> <p>16 A. Yes.</p> <p>17 Q. And Defendant's Exhibit H?</p> <p>18 A. Yes.</p> <p>19 Q. Defendant's Exhibit D?</p> <p>20 A. Yes.</p> <p>21 Q. Defendant's Exhibit E?</p> <p>22 A. Yes.</p> <p>23 MS. NICOLAOU: Just for the</p> <p>24 record, those exhibits were all</p> <p>25 marked on February 1, 2019.</p>	<p style="text-align: right;">Page 100</p> <p>1 SO</p> <p>2 Q. Let me re-ask the question.</p> <p>3 Is that landing, you know the</p> <p>4 six steps and then there's that gap or space</p> <p>5 as you referred to it and I refer to it as a</p> <p>6 landing, but we're all talking about the same</p> <p>7 thing, right? Is that shown in that security</p> <p>8 footage that one second in?</p> <p>9 A. Yes.</p> <p>10 Q. Is that the same landing gap</p> <p>11 space, however you want to refer to it as,</p> <p>12 that's depicted in Defendant's Exhibit D</p> <p>13 marked on February 1, 2019?</p> <p>14 A. Yes.</p> <p>15 Q. And the carpeting, sir, that's</p> <p>16 depicted in Defendant's Exhibit D, is the same</p> <p>17 carpeting service depicted in the security</p> <p>18 footage that's paused at one second in; is</p> <p>19 that right?</p> <p>20 A. Yes.</p> <p>21 Q. Now, sir, can you tell me</p> <p>22 whether the lighting conditions shown in this</p> <p>23 video footage, does it accurately depict how</p> <p>24 the lighting conditions existed on the date of</p> <p>25 Mr. Shin's accident?</p>



<p style="text-align: right;">Page 101</p> <p>1 SO</p> <p>2 (Video being played.)</p> <p>3 A. Yes.</p> <p>4 Q. Does it accurately depict how</p> <p>5 the lighting conditions existed at the time of</p> <p>6 Mr. Shin's accident?</p> <p>7 A. Yes.</p> <p>8 MS. NICOLAOU: We're one</p> <p>9 minute and five seconds into the</p> <p>10 security footage.</p> <p>11 Q. Do you see the individuals shown</p> <p>12 in that paused video footage?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know who these are? Who</p> <p>15 the people are? Sitting here today, do you</p> <p>16 know who they are?</p> <p>17 A. Yes.</p> <p>18 Q. Could you tell me, sir, to the</p> <p>19 best of your ability, however you could</p> <p>20 describe them. Who's who in this video</p> <p>21 footage?</p> <p>22 A. The person that rolled down the</p> <p>23 stairs is Edward shin.</p> <p>24 Q. Is that the person --</p> <p>25 A. With the glasses.</p>	<p style="text-align: right;">Page 103</p> <p>1 SO</p> <p>2 A. Yes.</p> <p>3 Q. In front of the security camera?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know who that is?</p> <p>6 A. That was Young.</p> <p>7 Q. Young Lee?</p> <p>8 A. Young.</p> <p>9 Q. Yes?</p> <p>10 A. Yes.</p> <p>11 Q. And the person who has his hand</p> <p>12 to the back of Mr. Young Lee, do you know who</p> <p>13 that person is?</p> <p>14 A. Now the owner of the building.</p> <p>15 Q. That's who you recognize to be</p> <p>16 the current owner of the building?</p> <p>17 A. Yes.</p> <p>18 Q. Prior to this accident, did you</p> <p>19 ever see this individual before? Did you</p> <p>20 recognize him?</p> <p>21 A. I don't recognize him.</p> <p>22 Q. If you are looking from the view</p> <p>23 of the computer screen immediately to the</p> <p>24 right of Mr. Young Lee, who is wearing the</p> <p>25 green shirt, do you know who that person is?</p>
<p style="text-align: right;">Page 102</p> <p>1 SO</p> <p>2 Q. Well, there's three people with</p> <p>3 glasses. So that doesn't really help me much.</p> <p>4 Let me do this.</p> <p>5 So we're one minute and</p> <p>6 43 seconds into this security footage, sir.</p> <p>7 Do you see a person holding up</p> <p>8 what appears to be his middle finger?</p> <p>9 A. Yes.</p> <p>10 Q. Is that person wearing glasses?</p> <p>11 A. Yes.</p> <p>12 Q. Does he appear to be leaning up</p> <p>13 against the wall?</p> <p>14 A. Yes.</p> <p>15 Q. From that video footage?</p> <p>16 A. Yes.</p> <p>17 Q. Is that Mr. Shin?</p> <p>18 A. Yes.</p> <p>19 Q. Is anybody else in that video</p> <p>20 footage at that point where the video was</p> <p>21 paused holding up their middle finger?</p> <p>22 A. No.</p> <p>23 Q. And there's a person, what</p> <p>24 appears to be, I think is a green shirt. Do</p> <p>25 you see that?</p>	<p style="text-align: right;">Page 104</p> <p>1 SO</p> <p>2 A. No.</p> <p>3 (Playing video)</p> <p>4 MS. NICOLAOU: I stopped it</p> <p>5 at two minutes and 21 seconds into</p> <p>6 the video.</p> <p>7 Q. Do you see Mr. Shin on the</p> <p>8 ground in this video?</p> <p>9 A. Yes.</p> <p>10 Q. Is he on that landing that we</p> <p>11 all talked about that you referred to as a</p> <p>12 gap, a space?</p> <p>13 A. In that video it doesn't clarify</p> <p>14 it.</p> <p>15 Q. You can't see it. It's not</p> <p>16 clear for you in this video?</p> <p>17 A. Yes.</p> <p>18 Q. But your recollection is that he</p> <p>19 did land on the landing on the staircase; is</p> <p>20 that right?</p> <p>21 A. I believe so.</p> <p>22 MS. NICOLAOU: Off the</p> <p>23 record.</p> <p>24 (Discussion is held off the</p> <p>25 record.)</p>

<p style="text-align: right;">Page 105</p> <p>1 SO</p> <p>2 Q. Sir, this was marked as</p> <p>3 Defendant's Exhibit L on February 1, 2019.</p> <p>4 Take a look at that.</p> <p>5 Tell me when you're done?</p> <p>6 A. Done.</p> <p>7 Q. Is that Mr. Shin in that</p> <p>8 photograph, sir?</p> <p>9 A. Yes.</p> <p>10 Q. Based on this photograph, can</p> <p>11 you tell -- I think if you hold it this way.</p> <p>12 Can you tell whether or not he's sitting on</p> <p>13 the landing or on the bottom of the staircase?</p> <p>14 A. Hard to tell.</p> <p>15 Q. It's hard to tell.</p> <p>16 You can compare it to other</p> <p>17 photographs to make it easier?</p> <p>18 A. Like a flat surface.</p> <p>19 Q. Looks like a flat surface, is</p> <p>20 that right, sir?</p> <p>21 A. Yes. Like a flat surface.</p> <p>22 Because then you could see the stairs.</p> <p>23 Q. Okay. So you can't tell whether</p> <p>24 this is the landing or the bottom of the</p> <p>25 staircase?</p>	<p style="text-align: right;">Page 107</p> <p>1 SO</p> <p>2 MS. NICOLAOU: Do you</p> <p>3 remember what the video footage</p> <p>4 was marked as? First one?</p> <p>5 (Discussion is held off the</p> <p>6 record.)</p> <p>7 Q. Mr. So, the security footage</p> <p>8 that I showed you that was two minutes and</p> <p>9 22 seconds, is that a security footage from</p> <p>10 the security cameras at YS2?</p> <p>11 A. Yes.</p> <p>12 Q. And is that security footage</p> <p>13 from the security cameras at YS2 maintained by</p> <p>14 YS2 in the regular course of business?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know who if anyone pulled</p> <p>17 this video footage?</p> <p>18 A. Owner.</p> <p>19 Q. The owner did. Were you with</p> <p>20 him when he did it?</p> <p>21 A. No.</p> <p>22 Q. Did you have a conversation with</p> <p>23 the owner -- and that was Mr. Yi, right?</p> <p>24 A. Mr. Yi.</p> <p>25 Q. Did you have a conversation with</p>
<p style="text-align: right;">Page 106</p> <p>1 SO</p> <p>2 A. Not with this picture.</p> <p>3 Q. The security cameras at YS2, do</p> <p>4 you know who they belong to?</p> <p>5 A. The owner.</p> <p>6 Q. Owner of what?</p> <p>7 A. The establishment.</p> <p>8 Q. YS2?</p> <p>9 A. YS2.</p> <p>10 Q. If you were to view video</p> <p>11 footage of those security cameras, where would</p> <p>12 you go to look at the video footage?</p> <p>13 A. To the owner.</p> <p>14 Q. So you would ask the owner. But</p> <p>15 where would the owner go to pull the video</p> <p>16 footage to bring it up?</p> <p>17 A. In the main office.</p> <p>18 Q. Is there an office in YS2?</p> <p>19 A. Yes.</p> <p>20 Q. Are there computers?</p> <p>21 A. Office, no.</p> <p>22 Q. Is there a computer system at</p> <p>23 YS2 that allows you to bring up video footage</p> <p>24 from the security cameras?</p> <p>25 A. A laptop.</p>	<p style="text-align: right;">Page 108</p> <p>1 SO</p> <p>2 him as to whether or not he had the video</p> <p>3 footage?</p> <p>4 A. Say that again?</p> <p>5 Q. Did you have a conversation with</p> <p>6 the owner as to whether or not he had any</p> <p>7 security footage?</p> <p>8 A. No.</p> <p>9 Q. Do you know how long the</p> <p>10 security footage is generally maintained at</p> <p>11 YS2?</p> <p>12 A. No.</p> <p>13 Q. Who is Shee Yeon?</p> <p>14 A. Who?</p> <p>15 Q. Shee Yeon.</p> <p>16 A. Can you spell that?</p> <p>17 Q. I believe it's spelled S-H-E-E.</p> <p>18 Last name Y-E-O-N. I may be mispronouncing</p> <p>19 it.</p> <p>20 A. I don't know.</p> <p>21 MS. NICOLAOU: Off the</p> <p>22 record.</p> <p>23 (Discussion is held off the</p> <p>24 record.)</p> <p>25 MR. MCCARTHY: Can I ask</p>



<p style="text-align: right;">Page 109</p> <p>1 SO</p> <p>2 questions?</p> <p>3 MS. NICOLAOU: Go ahead.</p> <p>4 EXAMINATION BY MR. MCCARTHY:</p> <p>5 Q. Good afternoon. My name is Tim</p> <p>6 McCarthy. I'm counsel to the law firm who</p> <p>7 represents defendant Young Lee.</p> <p>8 The same instructions, if you</p> <p>9 don't understand a question, you'll tell me,</p> <p>10 yes?</p> <p>11 A. Yes.</p> <p>12 Q. I know on Defendant's Exhibit B</p> <p>13 and C it refers to tables.</p> <p>14 Does table mean room? If you</p> <p>15 want to see them.</p> <p>16 MS. BERKOWITZ: Look at what</p> <p>17 he's referring to.</p> <p>18 Q. Exhibit C has table two. And</p> <p>19 Exhibit B has table three. Do they refer to</p> <p>20 rooms?</p> <p>21 A. Yes.</p> <p>22 Q. So then Exhibit C is probably</p> <p>23 room two?</p> <p>24 A. Table room same. Different</p> <p>25 terminology.</p>	<p style="text-align: right;">Page 111</p> <p>1 SO</p> <p>2 Q. And you started the same time as</p> <p>3 the server, is that John Lee?</p> <p>4 A. Correct.</p> <p>5 Q. Did you know John Lee before or</p> <p>6 you both started working there?</p> <p>7 A. Yes.</p> <p>8 Q. Was he a friend of yours before</p> <p>9 you both started working there?</p> <p>10 A. Yes.</p> <p>11 Q. Did you recommend him or did he</p> <p>12 recommend you for the position?</p> <p>13 A. I don't really -- nobody</p> <p>14 recommended nobody.</p> <p>15 Q. How long did you know him before</p> <p>16 you started work?</p> <p>17 A. Many years.</p> <p>18 Q. Did you guys go to school</p> <p>19 together?</p> <p>20 A. Correct.</p> <p>21 Q. What school is that?</p> <p>22 A. Benjamin Cardozo High School.</p> <p>23 Q. Did you always have the title</p> <p>24 manager from the time you first started</p> <p>25 working there in the middle of 2016 until the</p>
<p style="text-align: right;">Page 110</p> <p>1 SO</p> <p>2 Q. Exhibit B, when it says table</p> <p>3 three, that's probably room three?</p> <p>4 A. Correct.</p> <p>5 Q. In Exhibit C it talks about two</p> <p>6 bottles of Johnnie Walker Blue.</p> <p>7 Is that the same amount of</p> <p>8 liters as the Johnnie Walker Black as far as</p> <p>9 you know?</p> <p>10 A. What I know is I think blue</p> <p>11 could be a little bigger than that.</p> <p>12 Q. How long were you working for</p> <p>13 the company before August 22nd, 2017?</p> <p>14 A. Two and a half years.</p> <p>15 Q. Two and a half years before</p> <p>16 that? No, before April 22nd, 2017, how long?</p> <p>17 MS. BERKOWITZ: When did you</p> <p>18 start?</p> <p>19 A. Probably -- that's like what?</p> <p>20 Two years? So I would say -- the total is two</p> <p>21 years. If you go back from January, then you</p> <p>22 can calculate from January from this date.</p> <p>23 Q. So the middle of 2016 you</p> <p>24 started?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 112</p> <p>1 SO</p> <p>2 date of the incident?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know if Mr. John Lee had</p> <p>5 worked in any establishment that served</p> <p>6 alcohol before he started to work for YS2?</p> <p>7 A. No.</p> <p>8 Q. No, you don't know or no; he did</p> <p>9 not?</p> <p>10 A. I don't know.</p> <p>11 Q. Did YS2 employ a bouncer in</p> <p>12 April of 2017?</p> <p>13 A. Employ who?</p> <p>14 Q. Did you ever hear the term</p> <p>15 bouncer?</p> <p>16 A. Bouncer, oh.</p> <p>17 MS. NICOLAOU: Security</p> <p>18 guard.</p> <p>19 A. I know what a bouncer is.</p> <p>20 Q. Did YS2 employ any security club</p> <p>21 bouncer before the date of the incident?</p> <p>22 A. Before the day of the incident</p> <p>23 have they employed a bouncer? Yes.</p> <p>24 Q. Was there a bouncer on the</p> <p>25 premises every night when it was opened?</p>

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1 SO

2 A. Yes.

3 Q. Who was the bouncer that night?

4 A. I don't remember.

5 Q. Who would have the records of

6 who was working that day?

7 A. The owner.

8 Q. When you showed up, did you have

9 to sign in anywhere?

10 A. No.

11 Q. Do you know what the bouncer's

12 duties were back then?

13 A. To have the establishment safe.

14 Q. Was he supposed to go from room

15 to room the bouncer?

16 A. If something occurred, then

17 he'll be notified.

18 Q. You told us earlier that if John

19 Lee felt someone was intoxicated he would tell

20 you?

21 A. Correct.

22 Q. Would he also tell the bouncer?

23 A. No.

24 Q. Where would the bouncer

25 generally be during the shift?

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1 SO

2 A. Around next to -- not exactly

3 the entrance, but once you walk into the

4 entrance, maybe a couple of feet.

5 Q. So near the front door on the

6 top of the second floor?

7 A. Correct.

8 Q. Where would you be most of the

9 shift?

10 A. Walk around doing -- in the

11 office.

12 Q. Where was the office in relation

13 to the door at the top of the second floor?

14 A. The back of the establishment.

15 Q. How about rooms one, two and

16 three, are they near the front of the

17 establishment or towards the back or something

18 else?

19 A. Around the front.

20 Q. If a member shows up, did he

21 have to ring a bell?

22 A. No.

23 Q. They come up to the office,

24 knock on the door or -- I mean they come up to

25 the second floor, is there a bell there?

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1 SO

2 A. No.

3 Q. Do they knock or the doors are

4 open?

5 A. The door is open.

6 MS. BERKOWITZ: Well, like

7 physically open or --

8 Q. Is the door locked before any of

9 the individuals come in?

10 A. It was not locked.

11 Q. When a member shows up, do they

12 have to come and see you?

13 A. Usually if I'm there, I'll greet

14 them. But then usually John is the one who

15 takes care of them.

16 Q. Did you have a list of members

17 back then?

18 A. No.

19 Q. How would you know if someone

20 was a member or not?

21 A. That's what the -- that you got

22 to talk to the owner.

23 Q. Can a member bring friends?

24 A. Yes.

25 Q. Is there a room for cooking

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1 SO

2 food?

3 A. Yes.

4 Q. Is that a separate room from

5 where the alcohol is kept?

6 A. Yes.

7 Q. Did your company have any

8 procedure to check a member or patron when

9 they first showed up at the premises to see if

10 they're intoxicated?

11 A. Well, when they come in,

12 99 percent of the time they're not

13 intoxicated.

14 Q. But would you generally check

15 members when they show up?

16 A. By looking at them, you could

17 tell.

18 Q. But --

19 A. Unless he's like rolling on the

20 floor.

21 Q. But I want to know when you

22 greet a member or patron or a guest when they

23 show up, is that part of your job to see if

24 they are already intoxicated?

25 A. Is it my job?

<p style="text-align: right;">Page 117</p> <p>1 SO</p> <p>2 Q. Part of your duties.</p> <p>3 A. Yeah, we see if they're</p> <p>4 intoxicated. Then we would know. We use our</p> <p>5 judgement.</p> <p>6 Q. Now, if a server would tell you</p> <p>7 that a certain individual or room that seemed</p> <p>8 to be getting intoxicated, he would call you?</p> <p>9 A. No, he'll come out.</p> <p>10 Q. He'll come out and tell you?</p> <p>11 A. Correct.</p> <p>12 Q. Then when you would go in there,</p> <p>13 if you decided someone was intoxicated in that</p> <p>14 room, you would tell the server no more</p> <p>15 alcohol into the room?</p> <p>16 A. If they order more.</p> <p>17 Q. If John Lee would come to you</p> <p>18 and say people seem intoxicated in this room,</p> <p>19 is that usually when he's been asked to get</p> <p>20 more alcohol or something else?</p> <p>21 A. No. Then we'll stop the</p> <p>22 alcohol.</p> <p>23 Q. If there's already alcohol,</p> <p>24 bottles in that room, do you guys take that</p> <p>25 back?</p>	<p style="text-align: right;">Page 119</p> <p>1 SO</p> <p>2 Q. May they turn them off totally?</p> <p>3 A. Yes.</p> <p>4 Q. Is there any disco lighting or</p> <p>5 anything like that?</p> <p>6 A. Disco lighting?</p> <p>7 Q. Flashing lights?</p> <p>8 A. Yes.</p> <p>9 Q. If John Lee ever told you that</p> <p>10 an individual or a group appeared intoxicated,</p> <p>11 when you went into the room, would you do</p> <p>12 anything with the lights?</p> <p>13 A. Usually it's always -- even</p> <p>14 though you turn off the lights, it's going to</p> <p>15 still be bright, because of the TV.</p> <p>16 Q. So generally the people have the</p> <p>17 TV on?</p> <p>18 A. It's on always.</p> <p>19 Q. Who provides ice?</p> <p>20 A. We do.</p> <p>21 Q. When do you do that generally?</p> <p>22 A. We provide the ice when they</p> <p>23 order the bottle.</p> <p>24 Q. You bring like a bucket with</p> <p>25 ice?</p>
<p style="text-align: right;">Page 118</p> <p>1 SO</p> <p>2 A. No.</p> <p>3 Q. Do you remember where you were</p> <p>4 when you heard about this incident?</p> <p>5 A. In back of the office.</p> <p>6 Q. Do you remember who told you?</p> <p>7 A. I don't remember.</p> <p>8 Q. And then you came out to the</p> <p>9 stairway?</p> <p>10 A. Correct.</p> <p>11 Q. Once you saw where the plaintiff</p> <p>12 was, was that when you called 911?</p> <p>13 A. Correct.</p> <p>14 Q. And you also called the owner</p> <p>15 right from the stairway?</p> <p>16 A. Correct.</p> <p>17 Q. How long did it take the owner</p> <p>18 to get there?</p> <p>19 A. Pretty quick.</p> <p>20 Q. Did he arrive before the police?</p> <p>21 A. I don't remember.</p> <p>22 Q. How about the lighting in the</p> <p>23 individual rooms, can the customers dim the</p> <p>24 lights?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 SO</p> <p>2 A. Correct.</p> <p>3 Q. You told us earlier you saw</p> <p>4 Young Lee speaking to the police, right? You</p> <p>5 told us earlier that you saw young Lee</p> <p>6 speaking to the police?</p> <p>7 A. Correct.</p> <p>8 Q. Was he outside on the street at</p> <p>9 that time?</p> <p>10 A. No.</p> <p>11 Q. So using somewhere in the</p> <p>12 stairway or --</p> <p>13 A. Now inside the establishment.</p> <p>14 Q. Inside the establishment. And</p> <p>15 how far away were you from when you heard</p> <p>16 Young Lee speaking to the police?</p> <p>17 A. I don't remember.</p> <p>18 Q. Were you 20 feet away?</p> <p>19 A. Approximately. Passing. That's</p> <p>20 when they arrested them.</p> <p>21 Q. You were walking by?</p> <p>22 A. Yes.</p> <p>23 Q. How long did you hear him</p> <p>24 talking to the police?</p> <p>25 A. I don't remember.</p>

<p style="text-align: right;">Page 121</p> <p>1 SO</p> <p>2 Q. Did the police ever say anything</p> <p>3 to you?</p> <p>4 A. I don't remember.</p> <p>5 Q. But you heard Mr. Young Lee</p> <p>6 speak to the police, right?</p> <p>7 A. Correct.</p> <p>8 Q. And you heard them speaking to</p> <p>9 him?</p> <p>10 A. Correct.</p> <p>11 Q. And there was no indication to</p> <p>12 what you saw and heard that Young Lee was</p> <p>13 intoxicated at the time?</p> <p>14 A. Correct.</p> <p>15 Q. Has the owner of YS2 ever spoken</p> <p>16 to you about what you should say about whether</p> <p>17 Young Lee was intoxicated?</p> <p>18 A. Can you...</p> <p>19 Q. Well, has the owner of YS2 ever</p> <p>20 told you what to say about alcohol being</p> <p>21 served to Young Lee or whether he was</p> <p>22 intoxicated that night?</p> <p>23 A. Prior to the...</p> <p>24 Q. Prior to today?</p> <p>25 A. Would he say that?</p>	<p style="text-align: right;">Page 123</p> <p>1 SO</p> <p>2 one?</p> <p>3 A. I don't know.</p> <p>4 Q. Is there any procedure, before</p> <p>5 this incident, if you deem someone to be</p> <p>6 intoxicated in a certain room, would you then</p> <p>7 make sure that person wasn't served alcohol in</p> <p>8 a different room?</p> <p>9 A. We can't control that, because</p> <p>10 we don't know what's going on.</p> <p>11 Q. But you had no fixed procedure.</p> <p>12 You didn't tell Mr. Lee, look, don't serve it</p> <p>13 to this individual regardless of what room he</p> <p>14 goes in, right? You had no procedure like</p> <p>15 that?</p> <p>16 A. No.</p> <p>17 Q. Is there an elevator leading up</p> <p>18 to the office?</p> <p>19 A. Yes.</p> <p>20 Q. Did your company have any</p> <p>21 procedure as to how to escort someone out if</p> <p>22 you deem them intoxicated?</p> <p>23 A. There's an elevator. If they're</p> <p>24 intoxicated, then we use the elevator.</p> <p>25 Q. So if your employees deem</p>
<p style="text-align: right;">Page 122</p> <p>1 SO</p> <p>2 Q. I'm just asking. Yes or no?</p> <p>3 A. No.</p> <p>4 Q. Could you estimate for how long</p> <p>5 you were near the police and Young Lee in</p> <p>6 time?</p> <p>7 A. I don't remember.</p> <p>8 Q. Was it more than a minute? Less</p> <p>9 than a minute?</p> <p>10 A. I don't remember. I don't</p> <p>11 remember. It's over two years, so I don't</p> <p>12 remember.</p> <p>13 MR. MCCARTHY: I'm almost</p> <p>14 done.</p> <p>15 Q. Could people change rooms during</p> <p>16 the night?</p> <p>17 A. Why would they change rooms?</p> <p>18 Q. I don't know. Did you ever</p> <p>19 experience any groups move from room two to</p> <p>20 room one?</p> <p>21 A. If they know each other, yes,</p> <p>22 they may hop around. But changing rooms is</p> <p>23 rare.</p> <p>24 Q. If someone went from room two to</p> <p>25 room one, they might drink alcohol in room</p>	<p style="text-align: right;">Page 124</p> <p>1 SO</p> <p>2 someone intoxicated, your employees would take</p> <p>3 them to the elevator?</p> <p>4 A. Correct.</p> <p>5 Q. Including the bouncer?</p> <p>6 A. Correct.</p> <p>7 Q. Do you know if the bouncer was</p> <p>8 involved in any way on that evening with</p> <p>9 Mr. Shin or Mr. Young Lee?</p> <p>10 A. No. There was no -- at that</p> <p>11 time you're saying?</p> <p>12 Q. Yeah, that night?</p> <p>13 A. A bouncer. You say prior to --</p> <p>14 your question was, was there a bouncer prior</p> <p>15 to the incident. And I said yes, there was.</p> <p>16 Q. But there was a bouncer onsite</p> <p>17 then?</p> <p>18 A. No.</p> <p>19 Q. No. How come there was no</p> <p>20 bouncer on the date of the incident?</p> <p>21 A. That's on the owner's</p> <p>22 discretion.</p> <p>23 Q. Did he generally have a bouncer</p> <p>24 during the six months before this incident?</p> <p>25 Was there generally a bouncer present?</p>

<p style="text-align: right;">Page 125</p> <p>1 SO</p> <p>2 A. Prior to he had a bouncer. But</p> <p>3 then I guess -- it's not cheap.</p> <p>4 MS. BERKOWITZ: Don't guess</p> <p>5 at anything. Don't guess at</p> <p>6 anything.</p> <p>7 Q. Do you know if the bouncers were</p> <p>8 employees of YS2 or were they outside venders?</p> <p>9 A. That you could talk to Mr. Yi.</p> <p>10 I don't do that part.</p> <p>11 Q. Do you know if the owner would</p> <p>12 hire bouncers depending on the number of rooms</p> <p>13 that were rented out?</p> <p>14 A. That you have to speak to Mr.</p> <p>15 Yi.</p> <p>16 Q. So you don't know?</p> <p>17 A. I don't do none of that.</p> <p>18 MR. MCCARTHY: Nothing</p> <p>19 further at this time.</p> <p>20 MS. NICOLAOU: I just have</p> <p>21 one question.</p> <p>22 EXAMINATION BY MS. NICOLAOU:</p> <p>23 Q. I'm going to show you what has</p> <p>24 been marked as Defendant's Exhibit A on</p> <p>25 February 1, 2019.</p>	<p style="text-align: right;">Page 127</p> <p>1 SO</p> <p>2 A. Yes.</p> <p>3 Q. Where is the counter in relation</p> <p>4 to the area that the security footage</p> <p>5 captured?</p> <p>6 A. So as you walk in to the left</p> <p>7 side.</p> <p>8 Q. So it's not in the video, is</p> <p>9 that right? It's not captured by the camera,</p> <p>10 at least the one that we have; is that right?</p> <p>11 A. Correct.</p> <p>12 Q. It's off to the left side.</p> <p>13 About how many feet, once you get on top of</p> <p>14 the stairs, on the top of the stairs you hit</p> <p>15 the landing to the second floor, how many feet</p> <p>16 to the left is it?</p> <p>17 A. Probably five feet, six feet.</p> <p>18 Q. Do you know who the person is</p> <p>19 that's operating this mouse?</p> <p>20 A. No.</p> <p>21 Q. Do you know who recorded the</p> <p>22 security footage?</p> <p>23 A. No.</p> <p>24 MS. NICOLAOU: I have</p> <p>25 nothing further. Thank you.</p>
<p style="text-align: right;">Page 126</p> <p>1 SO</p> <p>2 Now, this is what appears to be</p> <p>3 a video of somebody videotaping with their</p> <p>4 cell phone a computer screen; is that fair?</p> <p>5 A. Yes.</p> <p>6 Q. Sir, looking at this security</p> <p>7 footage, it appears to be the same security</p> <p>8 footage that was marked today as So-1.</p> <p>9 Can you tell me, sir, where is</p> <p>10 this computer screen located? I'm going to</p> <p>11 zoom out for a second.</p> <p>12 Can you tell where that screen</p> <p>13 was located?</p> <p>14 A. At the counter.</p> <p>15 Q. Front counter?</p> <p>16 A. Front counter.</p> <p>17 Q. Is the front counter depicted in</p> <p>18 the security footage at all?</p> <p>19 A. Say it again?</p> <p>20 Q. The front counter is it depicted</p> <p>21 in the security footage?</p> <p>22 A. What do you mean by that?</p> <p>23 Q. In other words, the location of</p> <p>24 the security footage that we saw today shows</p> <p>25 the top of the staircase, the staircase, yes?</p>	<p style="text-align: right;">Page 128</p> <p>1 SO</p> <p>2 MR. COHEN: No further</p> <p>3 questions.</p> <p>4 MS. NICOLAOU: I'm getting a</p> <p>5 copy.</p> <p>6 MR. COHEN: My own copy.</p> <p>7 (Time noted: 1:55 p.m.)</p> <p>8</p> <p>9</p> <p>10 -----</p> <p style="text-align: center;">JOSHUA SO</p> <p>11</p> <p>12 Subscribed and sworn to</p> <p>13 before me this day</p> <p>14 of , 2019</p> <p>15</p> <p>16 Notary Public</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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STATE OF NEW YORK )  
                                   ) ss.:  
 COUNTY OF NEW YORK )  
                                   C E R T I F I C A T E

I, CHRISTINE CUTRONE, Shorthand  
 Reporter and a Notary Public within and  
 for the State of New York, do hereby  
 state:

That the witness whose examination is  
 herein before set forth was duly sworn and  
 that such an examination is a true record  
 of the testimony given by such a witness.

I further state that I am not related  
 to any of these parties to this action by  
 blood or marriage, and that I am not in  
 any way interested in the outcome of this  
 matter.

IN WITNESS WHEREOF, I have hereunto  
 set my hand this 26th day of March, 2019.

CHRISTINE CUTRONE



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